

CRUSADE AND SOCIETY IN EASTERN EUROPE:

THE HOSPITAL AND THE TEMPLE IN POLAND AND POMERANIA

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Paul Vincent Smith



ABSTRACT OF THESIS

This thesis uses the record of benefaction in Europe to the Military Orders of the Hospital and the Temple to measure regional crusading support and to provide a description of the contribution of countries outside the crusading heartland, in particular the Empire, Poland, the Czech lands and Hungary, to Europe's crusading enterprise between 1145 and 1291.

Through critical interpretation of published sources and secondary literature, making use of more than 400 original documents, among them several from the Hospitallers' Prague archive which remain unpublished, it examines in detail, for the first time as a whole, the endowment of both orders and the establishment of their houses on the territory of the Piast rulers of Poland and in the two Slav principalities of Pomerania.

At the same time it assesses the development of the Military Orders' estates in terms of the relative importance of initial endowment, subsequent acquisition, plantation of new properties and alteration in the terms of ownership; in so doing, it aims to contribute to the correction of a long-standing but erroneous model for the economic development of 13th and 14th century Poland.

Through an examination of local conditions it postulates a model for the creation of Hospitaller and Templar houses and the evolution of provincial hierarchies. It examines available information for the internal administration of both orders, the activity of their officials, and the number, nationality and regional connections of their membership. It provides new information on the evolution of independent prioral offices in the Hospital's two provinces of Bohemia and of Eastern Germany from 1291.

The local involvement of both orders is set in context and closely defined for the regions under consideration. The penetration of Eastern European society by crusading ideology is examined as a necessary background to reassessment of the early activity of 'national' military orders and the Teutonic Knights in the Baltic theatre.

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CORRECTIONS

I would like to record my gratitude to the two examiners of this thesis, Dr. David Morgan of University College, London, and Dr. Alan Forey of Durham University, for their kind and careful attention in reading the text. It has been necessary for me to insert three additional notes, signalled with an asterisk, on pages 24, 33, and 46. Material corrections have also been made on pages 31, 57, 60, 187 and 192.

FOREWORD

That there is no analytic account describing the European possessions and presence of the Military Orders of the Hospital and the Temple may be attributed to a specific problem of historiography, which it is intended that this work shall address; this lack applies equally whether it is the Eastern European, Scandinavian, British, German, or even the French possessions that are considered.

There are certainly enough promisingly-titled works, for Germany and the East no less than for France, on the 'Commandery of X.' or the 'Knightly Order of Y. in Z.' listed in bibliographies to suggest that only the drudgery of a competent assemblage is required. This is not, however, the case and the reasons for this are not far to seek. Local historians, encyclopaedists and the writers of graduate theses tend to take their cue from those they consider experts, with the result that general observations of a fundamentally unsatisfactory kind are merely presented with reference to the local setting. In Eastern European conditions, but particularly in Silesia and Pomerania, two regions whose experience will be prominently discussed in this study, generations of writers were willing to address historical problems from the early medieval period only within the framework of an all-embracing conceptual structure, which shall go in this study, - reflecting, but it is hoped, not repeating the looseness of application of its proponents, - under the name of "Germanisation".

Two relatively recent works have influenced the approach I have adopted. Both are concerned with the presence of military orders in a region of Europe where some military function was intended and performed. The study of A. Forey on the Templars in the Kingdom of Aragon pointed the danger of making a facile association between grants and donations and the specific discharge of a particular military task. F. Benninghoven's account of the brief history of the Sword-Brothers in Livonia separated the context of creation of a 'national' military order from the processes through which it grew into its task and achieved a position of dominance. The Livonian experiment was a prototype for the Frankenstein's monster of the Teutonic Knights, for which Benninghoven has reproduced the anatomy in superb detail. When I was starting this work, XH Nowak kindly sent me copies of his own articles on the operation of another local order in Poland, that of the Sword-Brothers of Dobrzyń, which was later incorporated into the Order of the Teutonic Knights. The work of these three scholars, and also the general observations on the early history of the Teutonic Knights of Professor Karól Górski, suggested to me that the definite location of benefaction to the Orders of the Hospital and the Temple within a chronological and geopolitical context was the correct method of proceeding, and this is what I have attempted in the pages that follow.

By contrast, W. Kuhn's much-bibliographed article on the Military Orders as defenders of frontiers in Eastern Europe is in its text redolent of received wisdom, in its title resonant of unquestioned assumptions on the topic of Germany and the East

and "Drang nach Osten". Such an identification of militant Christianity with nation-building is by no means the prerogative of any one country. Germany, Poland, Hungary and Russia, Serbia also, have all registered the trademark of 'Antemurale', but to do so invariably involves a species of confidence trick, a disdainful wave of the hand to indicate undifferentiated barbarians in the East. It is also distasteful, but perhaps inevitable in an Erewhonian way, to encounter such characterisations in an English context as the specie of worldly-wisdom.

The subject of the present work is a description of the introduction of the two international orders into Poland and Pomerania, where they functioned solely as representatives of the crusading enterprise: and where they had no role whatsoever as local defenders of Christendom from the anticipated or actual besetting of heathen powers. A single interlude (one prone to the most ludicrous misrepresentation), the irruption of the Mongol armies in 1241, transitorily embroiled the few Templar officials resident at the time in Hungary and Poland.

I owe my orientation in the subject to the writings, in particular, of J. Kłoczowski, K. Górski, K. Maleczyński, R. Grodecki, Z. Kaczmarczyk and B. Zientara. There are two particular studies by K. Tymieniecki and A. Gąsiorowski which have concentrated on the Hospitallers of Zagość and Poznań, but with a somewhat different focus and emphasis to my own. For Tymieniecki the circumstances of transfer of the Zagość estate into the ownership of the Hospital constituted it an unparalleled starting-point for investigation of twelfth-century social and economic

conditions: indeed in the absence of any Polish Domesday, the proposition that answers to questions on these matters must be sought in the twelfth and thirteenth century documentary survivals seems unassailable. The scale of work remaining to be done, (as well as undone where charters have been read as racial certificates and accepted or rejected accordingly) can be readily appreciated by reference to Gęsiorowski's exhaustive commentary on the earliest charters of the Poznań house of the Order of St. John. I have attempted to profit as much as possible from the palaeographic and other commentary supplied here and in the source collections of SUB, PUB and Preuss. Ub, whose serial publication continues, as well as the widely-distributed insights of K. Maleczyński. On occasion I have registered disagreement, accompanied, I hope, by fair representation of the point with which I have taken issue.

I would like to record personal debts of gratitude for advice and encouragement, whether given in the form of an interview or through correspondence to the following: M. Burleigh, Cz. Deptuła, K. Górski, J. Kłoczowski, PW Knoll, H. Lemberg, XH Nowak, J. Petersohn, H. Schulze, A. Skýbová, Fr. Smahel, E. Wiśniowski. Professor Wiśniowski and Professor Lemberg voluntarily took on themselves the responsibility for looking after me in Lublin and in Marburg respectively, and I am conscious of having made rather large demands on their time, for which I cannot honestly offer regret, but shall instead offer my thanks. In the ten years since I left Poland, Dr. Krzysztof Motyka has

regularly sent me many items carefully chosen from among new publications, for which, in addition to much else, I owe particular gratitude.

I should also record that I have received awards from the British Council and the Deutscher Akademischer Austauschdienst to further study and original research at the Catholic University of Lublin, Charles University in Prague, and the Johann-Gottfried Herder Institut and Philipps Universität, Marburg am Lahn between 1982 and 1984. To these bodies and institutions I owe an apology for the delay in publishing my results. These sentiments should also be directed towards Professor Norman Davies of the School of Slavonic and East European Studies of London University who supervised this work.

The library of the Order of St. John in Clerkenwell, London, owns copies of early works by Beckmann and Dithmar which are not available in the British Museum, which they kindly allowed me to consult. The libraries of the Catholic University of Lublin, Jagiellonian University in Kraków, J-G Herder Institut in Marburg, and the West Sussex County Library in Worthing have been willing and helpful in providing access to material that I wished to read.

My aunt, Mrs Vera Stephenson, has generously paid for the duplication and binding fees associated with the final production of this thesis.

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INTRODUCTION

CHAPTER 1 : THE MILITARY ORDERS AND THE CRUSADES

(1) The Crusade and the Crusading Movement

The Christian armies which captured Jerusalem in 1099 initiated a cycle of conflict that was to last for nearly two centuries; all subsequent expeditions (in addition to the first) may be termed crusades where Christians from Europe made war on the Islamic powers of the Middle East in defence or emulation of that original achievement.

An essential component of such expeditions was always the impulse and direction which they derived from the Papacy: but, once the Holy Land was no longer their sole destination, papal proclamation became the principal defining characteristic of a crusade. Eventually, crusading expeditions were also identifiable through certain characteristic features: participants were subject to canon law for penalty and protection; they were obedient to a crusading oath; and they received for their service the spiritual reward of a plenary indulgence.

This standard historian's definition of the crusade can be adapted to reflect its evolution both as a type of military venture and as a prevalent cultural concept: so applied it is also possible to obviate any apparent anachronism in its use. But this approach is not merely a matter of convenience; rather it is essential in helping to establish parameters for

discussion of a topic of vast importance, that of the growth and the consequences of the crusading movement; for it has long been recognised that examination of this topic can not be confined simply to consideration of the procession of crusading expeditions, even if it remains appropriate to relate such an investigation to this existent framework.⁽¹⁾ In considering the development of crusading ideas and crusading practice, it is necessary to relate the apparent improvisations of the participants in the First Crusade, no less than the innovations of later ventures, to a single general scheme of a crusading movement. Naturally this does not exclude one's remaining alert to the potential of such a movement to undergo radical changes of character.

Thus, when from December 1145 the Papacy and representatives of the principalities of Outremer relayed the news of the loss of Edessa and summoned a new generation of crusaders to the East, a particular role was envisaged for ruling monarchs for the first time: originally excluded from Gregory's and Urban's calculations of what a crusade might be (before one had occurred), the holders of sovereign power were later expected to lend prestige, leadership and financial support. Nonetheless there was a significant gap, here as elsewhere, between plan and performance and between

(1) Riley-Smith - *What were the Crusades?* is a useful exercise in describing and defining crusading in its own terms; Mayer - *The Crusades*, pp 281-6 juxtaposes a range of longer perspectives on the crusading movement, the longest of which presents the Crusades as the first colonial venture of the Latin West. It is hoped that the discussion in this first section will be helpful in demonstrating a point emerging from both these studies: that the hope of creating an 'encyclopaedic' account of the crusading period evidenced in such compendia as the undeniably valuable work of Setton and Baldwin is generally chimerical and at some points misguided.

intention and effect. Monarchs were liable to reinterpret their role, or to ignore papal leadership and instructions: at a later date they regularly misapplied funds which they had been charged to levy for the purposes of the crusade. Where ruling monarchs were not involved, crusading armies were raised through existing feudal structures; but here too the potential for disappointment of the popes' original intentions existed. The currents of crusading agitation and propaganda were beyond prediction or control. Papal pretensions to direct armies operating at a vast distance were consistently exposed as vain, even when papal legates accompanied or commanded the Christian forces.

Approximately once in a generation, crusading fervour peaked and the efforts of the preachers of the crusade were rewarded through the delivery of large composite armies in Outremer. These manifestations of co-operative international effort could scarcely fail to make an impression, and it is the few 'numbered' crusades whose memory is, and was, best preserved. Although the actual return of the largest of the crusading enterprises, when set against the effort involved, must be considered small, their prominent treatment in any analysis of the crusading movement remains appropriate; for, even when the many smaller expeditions that interspersed these larger efforts and the regular immigration that bolstered the Frankish community in the East have been taken into account, it was these unwieldy and doomed displays of might that recalled to Muslim opponents the size of the crusading constituency to which in ultimate need appeal could be made: they also provided the occasion for the

regeneration of those ties of subvention, regional and familial, upon which Outremer depended.

A preliminary step towards providing an anatomy of the crusading movement may be recognised in attempts which have been made to differentiate between the character of the contribution of participants in the First Crusade, specifically between French and Italian crusaders. It is not so much a case of maintaining that the motives of the French were inclined to the devotional, while those of the Italians tended to the mercenary, as of recognising that it was in France that a particular process occurred - what one might term the institutionalisation of the crusade. From the follow-up expedition of 1101 onwards, those regions of France which had supported the First Crusade showed a disposition to renew their commitment, and it was here that the formal procedures and practices of crusading evolved: in examining the penetration of other societies by crusading ideology it is necessary to have regard to the extent to which this formal apparatus of crusading manifested itself.

From 1145 crusading effort was internationalised and also unleashed in new directions. From this date, pilgrims from the British Isles, Germany, Eastern Europe and Scandinavia progressed from incidental involvement to a situation where they served, as the French did, 'on crusading terms'. Crusading activity, which was no longer confined to Outremer but included the Iberian peninsula and the Baltic littoral, remained defined by the same procedures of preaching and swearing of oaths and was

clothed in a recognisable costume and ideology: for all of this France was the fount and origin. In the new theatres the original French model was adapted, while, in Outremer itself, the generic appellation of Western Christians remained that of 'Franks', and newcomers to Outremer had to adapt themselves to customs and a legal system easily identifiable as of French provenance.

It is undeniably the case that the weight of the original French contribution and the early preponderance of French pilgrims in the East have caused the assessment of the French contribution to the crusading movement as a whole (if that entity is defined as the totality of support from Europe in men, money or material delivered to the East over the entire crusading period) to be magnified. One reason for the persistence of such over-emphasis is that the apportioning by historians of regional support throughout Europe involves considerable difficulties. The record of participation in the larger, let alone the smaller, expeditions is hardly amenable to systematic cataloguing or analysis. The ethnic composition of the settler population of Outremer, even if the record were attainable, would from 1187 prove an unreliable indicator of crusading activity and financial support originating in Europe, since from that date progressively fewer, and ultimately very few, pilgrims settled. It has long been apparent that the substantial German and East European contribution to the crusade made in the East between 1187 and 1229 has never been recorded in sufficient detail.

There exists, however, one indicator which by its nature bears a direct relation to support for crusading activity within every region of Europe, and that is the record of benefaction and endowment in Europe of the religious military orders associated with the task of the crusade, principally those of the Hospital or Order of St. John of Jerusalem, the Temple, and the Order of St. Mary of the Teutons or Teutonic Knights.

In the present study, a particular analysis of the context of the introduction of the Orders of the Hospital and the Temple into Poland and Pomerania and their subsequent development in these regions, which forms the bulk of the work, will be complemented in this first chapter by consideration of available information on the same subject for the rest of Eastern Europe and the lands of the Empire: it is hoped that this will allow some description in outline of a more general process, namely the transmission of crusading ideology to countries outside the crusading heartland.

(2) The Hospital and the Temple

The older of the two main military orders, that of the Hospital, can trace its origins beyond the First Crusade to an Amalfitan hospice in the Holy Land owing obedience to the monastery of St. Mary of the Latins. The First Crusade swelled its membership and increased the contacts which produced benefaction. In the period of rapid growth, one might even say of transformation, of this institution which followed the Latin conquest the influence of French and Byzantine models was admitted, the former in terms of the association of members in the religious life, the latter in the methods and organisation of hospital care.

Almost immediately the caritative activities which the first Hospitallers discharged on behalf of sick and indigent pilgrims marked them as a religious body to be identified with the tasks of the crusade. Their activity also involved, from an early date, such matters as mortgage arrangements for intending crusaders and facilitation of the sea-passage from Europe. These functions prompted the Hospital's earliest acquisitions of European property, which, according to a bull of Paschal II from 1113, consisted at that date mostly of hospices in the embarkation ports. (2)

Among other early benefactors were those of the crusading princes who endowed the Order with European estates:

(2) The origins of the Hospital are described in Riley-Smith - The Knights of St. John 38ff, and, Miller The Knights of St. John and the Hospitals of the Latin West.

participants in the early conflicts, who made over portions of their patrimony - perhaps in order to finance their pilgrimages - and the Iberian monarchs, who demonstrated their approval of the ethos of crusading with a series of gifts.

A hierarchy of offices was appointed to meet the administrative demands arising from the Hospital's European acquisitions: yet, although these offices, most usually that of prior, were created and regularly filled in the regions where there is evidence of early benefaction, it is noticeable that such offices were not created subsequently as a matter of course in areas of burgeoning crusading interest; thus, for example, in Germany scattered property interests were held for an appreciable length of time with a single appearance (and that in the unusual circumstances of 1187) of an official holding the title of prior.

The government of the Hospital was always highly centralised. It is easy to see how this should have been so in the early period when the personal control of the first two Masters grew out of their supervision of the original single conventual community, but it remained the case even after the reconstitution of the Order contained in the statutes of Margat, which were issued in the early 13th century; these statutes formalised the relations of a small group of office-holders in the Outremer conventual body, who, under the Master, exercised control over the Order as a whole.⁽³⁾

(3) Riley-Smith loc cit, also pp 274-303, describes the structure of the Order with understandable emphasis on the offices at the centre of the Outremer hierarchy. The European offices are generally less well understood. The information usually given on the division into 'Langues' has no relevance in our period.

In the attitude of the Order's central authorities in Outremer towards the acquisition and management of properties in Europe, two distinct changes are discernible. For the earliest period a careful provision in terms of offices and titles suggests that, initially, the intention existed to create a strong European property-base marshalling support for the East. The absence of canonical permission and papal legislation of the kind which Alexander III, in particular, later provided may have obstructed the proliferation of the Hospital in the earliest years; but, equally, perceptions within the Order itself of the desirable balance between European and Eastern holdings were inevitably affected by the unforeseen expansion of its power and influence within the Latin settlement.

In Outremer itself, the Hospital rapidly outstripped its early rivals for the pilgrims' benefaction, the canons of the Holy Sepulchre, and other rivals were few, since western monasticism failed to take root there. At the same time, the Hospital, while continuing to provide evidence of its practical usefulness, added a military role to its range of activities. When military rank and responsibility were formalised within the Order is a matter of dispute, as too is the precise form of its evolution. However, even before King Fulk entrusted the Order with one of the Ascalon guard fortresses in 1136 - the point at which argument against some formal military organisation within the Order starts to become untenable - their other responsibilities in respect of their own properties, as well as of those which they managed, had already presented them with defensive demands which

needed to be satisfied, and, eventually, beyond dispute, such demands were met by the Hospitallers themselves. By the time of the Third Crusade, the Hospital and the Temple between them held a large proportion of the kingdom's fortresses: not only those they had received through direct grant, but also others, which, through family crises endemic to a feudal society still more to one so precariously balanced as Outremer, came to the Orders in wardship or simply in pawn. This exponential development of both Orders gave a focus for the application of all available revenue in Outremer and emphasised the urgency for its transfer. The system of responsions, whereby a fixed proportion of all European revenues were required to be transferred annually, evolved into established practice.

Because of this rise in the Orders' standing in Outremer, it might be argued, it became natural for them to aim to put whatever was received in the way of benefaction to immediate use in the East, particularly since many in the new generations of benefactors were willing to make their contribution to the crusade, through the Hospital and Temple, in ready money. Towards the end of the Outremer settlement, when opportunities for investment in the East were curtailed and a natural ceiling to ambition was imposed by the loss of territory and the concentration of what remained in the hands of the Orders themselves and the Italian cities, there is evidence of a growing willingness on their part to exercise more particular supervision of their European property-holdings. For both Orders this situation provoked a reversion to the willingness of their earlier days to

accept, indeed actively to seek out, all opportunities for extension of their European property-holdings. The practical impact of these two changes of policy will be illustrated in this work in the particular context of Poland and Pomerania.

The Temple has traditionally enjoyed the higher profile of the two original military orders: it seems appropriate to stress at this point that in the developments just outlined it was the Hospital, the older Order, which gave the lead. Such a pattern was established in the Templars' beginnings, where it seems evident that it was the success of the Hospital which prompted plans for the foundation of the rival order.

It is accordingly helpful, particularly in considering the very early history of the Temple, for which little evidence survives, to set aside most of that Order's powerful institutional myth. That the first Templars promoted themselves as a species of religious militia or police force, identifying as their own particular sphere of activity the defence of pilgrims on the road between Jerusalem and the coast, is well-known and invariably repeated in accounts of their early existence: what frequently receives less attention is the fact that they clearly found little support within Outremer itself; indeed it is doubtful whether they performed their self-appointed task effectively until much later. Rather it seems appropriate to assign to Hugo de Paens and his early companions the particular game-plan of rivalling the successful, established and rapidly expanding Hospital by identifying this single specialised task as

providing, potentially, a circuitous and gradual means of tapping a part of the Hospital's fund of benefaction.

The Templars did not prosper in competition with the Hospital on its own ground: they did, however, enjoy spectacular success once they employed the expedient that the Hospitallers had perhaps originally considered and then found unnecessary - a direct appeal to European crusading circles and the use of revenues raised in Europe to support their activities in the Holy Land. The response to their European appeal gave them the foothold that had previously eluded them; but it should still be remembered that the appeal at the Council of Troyes 1129 *, the recommendation of St. Bernard contained in his tract 'De laude novae militiae' and the invitation which the Templars received to participate in the Spanish Reconquista all had reference to a military role which was prospective rather than real.

Furthermore, the Hospital retained its relative advantage in Outremer throughout the life of the settlement and showed itself more adept than the Temple in ensuring its own survival at the end. To suggest that the Hospital only assumed a military role as a result of the Temple's competition, or that there was an actual division of labour with the Temple performing as the fighting order par excellence, is to fail to understand the relative development of the two Orders and their essentially complementary character. It might be more correct to argue that the reliance of the Templars on the approval of Western supporters and their awareness of ground to be made up on the older Order

* On this redating by Rudolf Hiestand see M. Barber - The New Knighthood, Cambridge 1994, p 14 Notes 39/40

together help to account for a perception of greater energy and fervour in the Temple, although in the eyes of a closer observer like William of Tyre the Temple's activities could be represented as reckless and prompted by scandalous greed.

The journeys for the purpose of soliciting support, which Hans Prutz terms 'Werbereisen', made by the Temple's first Master and his attendants, established the Order as an owner of European properties.⁽⁴⁾ The grants of property which they obtained were situated mostly in France and England. In England and Normandy, the gifts of Henry I marked the beginning of a personal association with the Order and its officials, which was continued and developed by Henry's Angevin successors. It was from Richard Coeur-de-Lion that they received, and declined the offer of the Kingdom of Cyprus. For both Orders, personal princely contacts and the special diplomatic role that these engendered, continued to be most carefully cultivated.

In France, representation in several principalities and the establishment of their headquarters in Paris (a distinctive feature of the Temple's European representation) were secured. Their particular association with Count Fulk in Anjou, where the prince's benefaction to the Order preceded the appearance of the Master and the general appeal, suggests that this crusading family ranked high among the architects and sponsors of the Order's growth.

(4) Prutz-Die geistlichen Ritterorden pp 25-6, cf Anton-Versuch einer Geschichte des Tempelherrenordens pp 18-19, an early analysis where these journeys are given due prominence. The Hospital received benefaction in its own right in Outremer as early as 1103, as Riley-Smith has proved, op cit p 38, and its comparative advantage over the Temple in its gestatory phase is striking.

The south of France, already the heartland of the Hospital, now accommodated the Temple as well. It is more likely, however, that support was everywhere won for the cause of Outremer rather than in continuation of the traditional interest of the nobility of the Languedoc in the Spanish Reconquista. Melville's judgement on this point can be revised by reference to the detailed study of A.Forey, which describes in detail the context of Templar involvement in Spain. This has shown that the participation of the Templars in the Reconquista was secured under a series of contracts, in particular with the Aragonese crown. The close control exercised by the Spanish rulers of the operations of the Temple also provided a model for their later relationship with the so-called 'national' military orders, which succeeded the Templars in their frontier role.(5)

The involvement in Spain, in any case, arose not so much from gradual insinuation as from the eventual necessity (although initially - Forey says until 1143 - the Order sought only recruits and funds in Spain) of accepting offers which took at face value the terms of their own self-promotion. For a while the Temple assumed the functions which local military confraternities (Gutton lists three such bodies in addition to that of Belchite functioning before the institution of the Order of Calatrava) had aimed to discharge, but in the course of the next century its share in new conquests declined.(6)

(5) Melville-La Vie des Templiers p 25; Forey-The Templars in the Corona de Aragon 24ff provides the actual chronology of acquisition.

(6) Forey op cit 35ff describes the progressive decline of Templar acquisition during the 13th century conquest of Valencia. Cf Gutton- L'Ordre de Calatrave for the gradual replacement of the Templars.

The replacement of the Templars in their local role in Spain and Portugal was not, however, a symptom of a more general waning of enthusiasm for the Order and for the crusade, since substantial acquisitions in Germany and Eastern Europe were still to be made. Rather, the explanation lies in a change in attitude of the central authorities of the Order itself, similar to that already noted in the case of the Hospital. When the Templars entered into their first Spanish contacts their general situation was less favourable: once they had become established in Outremer, the attraction of involvement in Spain - with all the constraint generated by the control of a strong monarchical authority - lessened.

The Templar involvement in Spain provides the first example of a small number of instances where one of the three large or 'international' orders performed the localised role more commonly to be identified with the smaller or 'national' orders. There are two instances of European involvement of the Teutonic Knights and suggestions of plans for the involvement of the Hospital, the Temple and the Order of Calatrava in Eastern Europe in just such a regional role, which will be described below.

One important consequence of the creation of the Order of Calatrava and its imitators was that these new orders replaced the Templars in the patronage of the Cistercians; between the Council of Troyes and the the Second Crusade, the Temple had profited from wide promotion by St. Bernard and by individual Cistercian houses. From the middle of the century, the Hospital and the Temple, with papal support, took over respons-

ibility for the promotion of their own cause. However, both Orders remained reluctant to accept unwelcome responsibilities in Europe for as long as benefactors were willing to make gifts which could be turned to immediate use in the East. It was the disaster of Hattin and the changed situation in Outremer which brought about a change of attitude.

The realisation that the loss of territory of 1187 was one that could not be recovered was gradual, but even in 1187 the sense of urgency was compelling. In connection with the preaching of the Third Crusade the Hospitallers made what amounted to their own 'journeys of solicitation' using officials already in place in the lands outside the crusading heartland, in Germany and Eastern Europe; from the first decade of the 13th century they were joined in this activity by Templar officials in contact with the Order's Paris headquarters. These developments and the earlier association of the Hospital with Eastern European princes, which allowed the older Order in this respect also to run ahead of its younger rival, will now be examined in detail.

(3) The Hospital's Contacts with Germany before the Third Crusade.

Practical business - or sometimes just a supportive interest - provided both Orders with contacts with European crusading princes. Louis VII of France received loans from both Orders in connection with his crusade, while Henry II of England made several payments in connection with plans for a crusade that never took place.⁽⁷⁾

There was little contact between either of the two established military orders and the German emperors before the reign of Frederick Barbarossa. German society had its own tradition of pilgrimage and contact with the Holy Land which predated the First Crusade and persisted for some time after the Franco-Italian conquest: the last of the German bishops' pilgrimages took place in 1124 and included the bishop of Olomouc and a Czech contingent.

With the exception of a single donation made in Montboire in Brabant by Godfrey de Bouillon, who had led a contingent of Rhinelanders on the First Crusade, no donation was made to the Hospital in the lands of the Empire in the earliest phase of its existence. A channel for the benefaction of German crusaders in Outremer itself existed in the shape of a small German hospital in Jerusalem subject to the Order of the Hospital, and this institution was the recipient of the attentions and

(7) Tyerman-England and the Crusades pp 54/6, and Appendix - Henry II's Treasure, analyses a royal crusading contact primarily maintained through the medium of the military orders, which did not, however, result in any expedition.

support of the German king, Conrad, and the German crusaders who accompanied him on the Second Crusade. However there is no record of any benefaction from these German crusaders either to the Hospital or to its German filiate in Germany itself.

There was, however, a second strand to the effort of the German princes prompted by the preaching which began in December 1145, the so-called Wendish crusade. Three of the participants, Albert the Bear, Henry the Lion, and the Polish prince Henry of Sandomierz, later redeemed their crusading vows by making the Jerusalem pilgrimage, and all three made personal foundations of houses to represent the Hospital in their respective principalities. Albert's foundation of Werben is first mentioned in the act of transfer of the church there in 1160, while Henry the Lion's foundation, like his crusade (1171), was of later date. The dating problem for the earliest instrument of donation of the house in Zagość will be addressed below.

The most accurate listings of early Hospital foundations in German-speaking lands occur in the works of WG Rödel and S. Reicke; however, for neither of these authors is the question of the early endowment of the Hospital of central importance. As foundations made before the Third Crusade, Rödel offers the houses of Duisburg (1153/6), Würzburg (pre-1180) and Zogasdorf and Mailberg in Austria (1156).⁽⁸⁾ However, Barbarossa's privilege from 1156 covers only Henry of Austria's two donations of Mailberg and Zogasdorf, while the privilege of 1158⁽⁹⁾

(8) Rödel-Das Grosspriorat Deutschland pp 25-30

(9) 17 September 1156, CG 246; 25 October 1158, CG 270. The Austrian donations represent another contact from the Second Crusade.

actually makes no specific reference and so cannot be satisfactorily applied to provide datings of individual properties or houses.

The correction of the too early dating in the case of Duisburg is straightforward. Reicke, in fact, gives 1189 as the correct date, and this is reinforced by the confirmation of archbishop Philip of Cologne's donation by Clement III, which was issued in 1190.⁽¹⁰⁾ Reicke lists several other Hospitaller properties to which an earlier date has at various times been assigned - Buchsee, Rheinfelden, Braunschweig and Schwäbisch-Hall - but states for all except Buchsee that a date subsequent to 1187 is more credible.⁽¹¹⁾

The purpose of the Emperor's privilege of protection of 1156 can in fact be explained by reference to another, similar act. In 1162 Barbarossa issued a privilege of protection for the Hospital, this time with specific import, covering donations made to the Order by Guiges II, count of Forcalques in the Provençal region of Manosques and Tournes-Aurès and for all Hospitaller possessions in Provence generally.⁽¹²⁾ Thus, the significance of the earlier general privilege seems to have been that it was an assertion of authority and interest made once the Emperor became aware of the projects of creation of Hospitaller houses by the two eastern princes, and perhaps also of that of the Czech ruler, Vladislav II, rather than a confirmation of existing foundations.

(10) 14 July 1190, CG 875

(11) See Reicke-Das deutsche Spital, p 93 Note for a survey of the older literature on the German Hospital, which is generally unsatisfactory and insufficient.

(12) 21 August 1162, CG 305

Apart from the two houses endowed by Henry the Lion and Albert the Bear, and that of Buchsee, whose early dates are certain, one further candidate, in addition to those considered by Reicke and Rödel, exists in the house of Heimbach: this has a tradition naming Barbarossa as its founder and there is later evidence of its exercising a position of seniority among the German houses. Although no specific reference which might provide a firm dating is available from before the Third Crusade, the house in Heimbach was the recipient of a privilege of Philip of Swabia permitting the Order to acquire property within the Empire issued between 1206 and 1208.⁽¹³⁾

After 1187, the year of Hattin and the start of a new crusading agitation, when too the first reference occurs to a German prior⁽¹⁴⁾, the Order's keener solicitation and an expansion of its crusading contacts produced a proliferation of new houses, over which Werben and Heimbach possessed an occasionally glimpsed headship. The house in Würzburg was also an important site for the transaction of business by high officials. Foundations in the eastern and western German groups, later separate provinces, demonstrate significant differences in the nature of their endowment. The first grants in Würzburg and Duisburg involved the transmission of existing hospital foundations, while Buchsee was a hospice. The property in Werben, by contrast, corresponded to a more usual model of dotation for a religious house, with the transmission of appropriate secular and ecclesiastical property

(13) CG 1264

(14) CG 825, Rödel op cit 30ff

rights. Such creations required a higher degree of diocesan tolerance and support. It seems clear that no hospital foundation was transferred to the Order in Werben, since the hospital in the town, when encountered at a later date, was under the management of the specialist hospital order of the Holy Ghost.

Even after the acquisition of their new properties, the Hospital's official representation in Germany and the Empire remained slight. The absence of evidence for a rigid, hierarchic provincial organisation, especially in the western province, has been cited in combination with an inference drawn from Barbarossa's privilege of protection to produce a version of events that has been widely repeated, which proposes that the Hospital was granted a licence to seek benefaction by the Emperor Frederick, and its failure to obtain a satisfactory response made necessary the foundation of a separate German Order. *

This view should be corrected: firstly, this was neither the context nor the purpose of the imperial privileges, which sought to comprehend within the sphere of the ruler's influence foundations that had already been projected; secondly, once the area of comparison is extended to consider all countries outside the crusading heartland, it can be seen that the progress of the acquisition of property in Germany is consistent with the general practice of the Order as a whole, which before 1187 preferred the direct application of benefaction within Outremer; finally, once this earlier policy was changed and a more active solicitation was instituted, from 1187 onwards, the Hospital

outperformed the Teutonic Knights in Germany - as indeed did the Temple which began its solicitation slightly later.

There is no indication, therefore, on the available evidence that any of the three international orders experienced difficulties caused by 'racial' or 'national' considerations in obtaining benefaction in Germany or elsewhere; rather, where any difficulty is evident, it was that understandably affecting a newcomer who was required to compete against two established rivals. As in Outremer, the Order which lay under this disability, and for this reason (rather, again, than as a result of any racial empathy) was particularly dependent in its early stages on imperial favour, was the Order of the Teutonic Knights.

(4) The Hospital's Czech Plantation

When the Bohemian Hospital perished with the Holy Roman Empire, - one of a series of the Order's losses in the Napoleonic Wars, - it was found to be among the wealthiest of the country's religious orders.⁽¹⁵⁾ The circumstances in which its great wealth, enjoyed through force of tradition and habit by aristocratic families, had originally been provided as endowment and in the course of time had accumulated remained, for the most part, obscure. Credible analysis of the early history of the Bohemian Priorate has only appeared very recently.⁽¹⁶⁾

The endowment of the Hospital in the Czech lands proceeded from a crusading contact, specifically the participation of Vladislav II in King Conrad's expedition as part of the Second Crusade. Further information on the course of Vladislav's pilgrimage is available from a letter, which he sent

(15) Menzel-Chronik von Breslau p 370. Here we learn that the Silesian commanderies yielded the following sums in 1753: Corpus Christi in Wrocław-4 200 florins; Dzierżonów-600 fl.; Strzegom-4 000 fl.; Lwówek and Złotoryja-1 300 fl.; Łosiów-5 000 fl.; Wielki Tyniec-6 800 fl.; Oleśnica- 18 000 fl.; Hrobniki 9 000 fl. The revenues were enjoyed by Graf von Kollowrath, Major von Holly, Graf von Wengersky, Freyherr v.d. Hemm and Graf von Schafgotsch.

(16) There are two highly inaccurate accounts by the Order's own 'chevaliers', MM Feyfar and Félix de Salles. De Salles mostly follows Feyfar, but also added some information from the antiquary, Jaroslav Schaller; and, more usefully, material latterly made available through the archival transcriptions of F. Smítner. The work of Smítner and of Antonín Boček is accessible in the latter's own published Moravian source collection, and also in CG. The recent (1983, Prague) Ph.D thesis of M. Skopal provided the first analysis of this material. I was able to see Dr. Skopal's work only very briefly in 1984, and so am unable to reproduce its conclusions or comments here. The details in this section are based on Boček's Codex and the Cartulaire Général, combined with a cautious reading of the accounts of Feyfar and de Salles.

in 1169 to the Master of the Hospital. In it he refers to the difficulties he experienced before he could discharge his vows in Jerusalem, and recalls that the Order's castle of Kerak had been put at his disposal.⁽¹⁷⁾

Kerak, sited in the Tripolitan principality as a counter or control fortress commanding an inland region, was newly acquired when Vladislav arrived. Its building had formed part of the process of strategic redefinition, which followed, and was made possible by, the near-completion of the Franks' primary task of reduction of the coastal fortresses. That the Hospitallers had received this site, as in the case of their acceptance of one of the guard fortresses set against Ascalon, demonstrated the recent great expansion of their military responsibilities.

In the period of anticipation before the armies of the Second Crusade arrived in the East, both the military orders sought to appraise how they themselves might be affected by the strategic decisions which needed to be taken, and both cultivated a role of guardianship making themselves channels of communication between visitors and residents. This relationship gave them an enhanced influence, since a tradition of deference to the rank of visitors was observed in the counsels of crusading armies. It has always been believed that the Templars procured the fateful decision to attack Damascus. The Hospitallers are implicated in some accounts, more by extension than on any definite information.

(17) (undated) 1169, Bocek I No 308 (CG 405)

The Hospitallers' cultivation of Vladislav of Bohemia may represent either a parallel or a different strand of policy.

The Second Crusade was so lacking in result that the question is rarely put of what the individual participants hoped to achieve. If this question can be answered at all, their intentions are more readily to be inferred from the example of earlier crusaders of princely rank. The success stories of the First Crusade and the early settlement eminently involved those of lesser rank who gained eastern principalities - like Tancred, Bohemond, Baldwin of Boulogne and Joscelin de Courtenay; in addition, there were those who, like the two senior princes, Raymond of St. Gilles and Godfrey de Bouillon, were already the rulers of Western principalities and gained new ones in the East. In Raymond's case eventual success required a later return to Outremer following his deliberate exclusion. For others, such as the counts of Normandy and Flanders, ambition was satisfied by baronies and fiefs in the Kingdom of Jerusalem which they made use of the Hospital and Temple to manage.

Knowledge of these events and the desire to gain a territorial interest in the Holy Land at any of these levels were undoubtedly still strong among the participants in the Second Crusade, and ambition in this direction remained strong even after the disappointments of that enterprise; for example, the Hospital later undertook a commission from the king of Hungary to purchase estates in Outremer. The aim of the Second Crusade was to provide a new principality for one of the crusading princes through the conquest of Damascus.

It seems appropriate, therefore, to stress that although Vladislav's crusading ambitions, whatever they may have been, were ultimately disappointed, there is no reason to doubt that they were genuine and similar in scope to those of his contemporaries. The loan of Kerak may therefore have an added significance, indicating the hope of both parties for a more permanent involvement of the prince and his family, which, in the general disappointment, came to nothing. Nonetheless, the Templars made the offer of one of their fortresses to King Premisl I in the 1220s; although this has been cited as an example of an absurd gesture. the precedent of Vladislav's activity perhaps renders it less absurd.(18)

Vladislav's enthusiasm, like the Second Crusade as a whole, produced no result in Outremer. Instead, the project was formulated of introducing the Hospital as a religious order into his principality. This was an innovation; the Hospital had not previously committed itself to extending its European possessions, and the new province of Bohemia under a resident Hospitaller prior was the first such creation since the earliest days of the order. The first foundation of the new province, that of the Order's convent in Prague, proceeded along conventional lines. Vladislav's chancellor and his nephew were entrusted with the task of collation. The dedication of the Hospitallers' church in Prague has been placed in 1156. Two acts of 1159 and 1169 record

(18) This offer is frequently cited as absurd and a sign of desperation. This is a serious misjudgement, and helps to illustrate why it is desirable that some attempt should be made to supply the detailed context of German and eastern European crusading participation and support.

the progress of the project.⁽¹⁹⁾

The continuing aggregation of property, administered by the Prague convent, eventually supported four religious congregations. A second house in Prague with the name of 'Na bojístí' was founded between 1179 and 1183. A bull of Lucius III from 1181 mentions the existence of a female congregation in Manetín, while a separate body of Hospitaller canonesses is encountered in a bull of Clement III from 1188.⁽²⁰⁾ Benefaction and endowment in Bohemia and Moravia supported these four collegiate foundations as well as providing the responsions which went to finance the work of the Hospital in Outremer. It would appear that plans also existed for the creation of a new category of filiate houses with a lesser scale of endowment than the four congregations associated with the princely family; the sponsors of the new houses were to be individual noble families and their associates. This new class of benefactors appears among the witnesses of the general confirmation of 1169, many of whose names recur as benefactors in the more specific act of 1183, which for the first time lists new benefaction in Moravia.⁽²¹⁾

(19) (undated) 1159, Bocek I 275 (CG 278); 1169 (CG 405) both describe the work of Gervase and Martin in obtaining the core endowment.

(20) The benefaction of Frederick and his wife for the second Prague house, as well as the particular benefactions of a number of his servants in a wide range of localities, is described in detail in an act of 1183, Bocek I 331 (CG 650, Maltese original), which also constitutes the principal source for wider societal benefaction to the Order in the earliest period. Bishop Henry's letter to the Master Roger of c. 1186, SUB I 53 (Bocek I 336 and CG 661 publish this under c. 1184) and a second act of Frederick's from 1185, Bocek I 337 (CG 718) are less extensive in scope. The bulls of 1181 and 1188 (CG 861), although Prague originals do not appear in the Bohemian source collections.

(21) The particular benefactions of Bogussa and Hroznata, who are witnesses in the act of 1169 (CG 405), can be reconstructed, in the case of the former from the letter of c. 1186 (CG 661): while Hroznata's benefactions are recalled in a confirmation of 1188, Bocek I 347 (CG 840).

The case of Kłodzko is particularly instructive and merits further examination. Originally the Order gained possession of one church in the town through the donation of Count Bogussa the Bearded, and this was probably made between 1169 and 1183 when its transfer was confirmed. However, in 1194 the Order's interest and position in the town was vastly enhanced, when the Czech ruler's brother Henry Bretislav, who combined the functions of margrave of Moravia and bishop of Prague, confirmed both the Kłodzko churches, that of St. Wenceslas (Václav) being the principal parish.⁽²²⁾ The ownership of parochial rights in an urban centre was a new, unprecedented and highly advantageous form of property-ownership. The circumstances surrounding this enhancement of the Order's standing in Kłodzko were exceptional in one respect, for this arrangement was made against the background of a peak of crusading enthusiasm generated by the preaching of the Third Crusade. This is the first of several examples which shall be considered where a considerable enhancement of an existing benefaction occurred in the years following the news of Hattin and the preaching of the Third Crusade. Not only in Moravia but in Eastern Europe as a whole, the Order benefited from a new surge of crusading enthusiasm, which it made a concerted effort to exploit.

(22) SUB I No 62 (CDBM I 359/ CG 959) Bishop Henry confirmed the church of St. Wenceslas (Václav) by this act, stating that Frederick had granted it at the consecration of the church of the house 'Na bojísti' ("dux Fridricus iam dudum eis forensam ecclesiam sancti Wencezlai cum sua dote contulerat, per me ipsum in consecratione ecclesie in Boisc eis...confirmatum.") as well as Count Bogussa's donation of the chapel of St. Mary. However, in his letter of 1186 (see Note 20), Henry writing to the Hospital's Master refers only to having performed that office for the church of St. Mary in Kłodzko on that occasion. The actual transfer of the second church therefore occurred between 1186 and 1194.

No purpose is apparent in the terms of association of the Hospital or the Temple with their benefactors in the Czech lands beyond that of supporting crusading enterprise in Outremer. The few exceptional instances outside Spain where a local military role was envisaged for either Order were characterised by specific indications of a contractual arrangement: that is to say, the model of sponsorship of a 'national' order, familiar from the Spanish experience, was consciously applied.

The correlation of crusading support and benefaction is well-attested in several individual cases in the Czech lands. Among the benefactors named in the 1183 confirmation, was one Hroznata, a relative of the saint of the same name, whose pilgrimage took place in the 1190s. In the second half of the thirteenth century, the eventual seat of the Order in Strakonice came to the Order through the testamentary bequest of Bavor I, a crusader. The language of early acts of donation (as in Poland, where the original work of solicitation was carried out by Bohemian and Moravian officials) emphasised the intention to support the work of the Hospital in the East.

Applying a longer perspective, it can be seen that crusading ideology was a potent vehicle for the transmission of a wide range of influences. Sponsorship of the Temple and of the Teutonic Knights followed the earlier extensive favour shown to the Hospital; the latter association led to Czech involvement in the Teutonic Knights' Prussian venture on crusading terms. Over several decades the association had ramifications of great significance. A share in the Prussian enterprise held a particular

interest for Premisl Otakar II while the matter of the Prussian bishoprics remained unresolved, for this held out at least a hope that the embarrassment which Prague had suffered as a suffragan see of Regensburg might be visited in turn on distant regions: and even that Prague might become a great metropolitan see for the East of the kind that Magdeburg claimed to be. These ambitions foreshadowed later work and pretensions in the Ruthenian mission-field. A more tangible gain from Prussian involvement was the axis of alliance with the Ordenstaat, which guaranteed the recovery of Silesia by the Bohemian Crown.

The integration of an institution such as the Hospital eventually became into Czech society also had its impact. It was natural that the Order should find, or seek to find, a role in royal service, and should adopt a position of partisanship of royal authority and Catholic orthodoxy in the Hussite wars: natural, too, that its increasingly aristocratic terms of incorporation, originally reflecting the military orders' purpose of persuading the knightly class to adopt the ethos of the crusade, should later encourage a militant class consciousness of the kind that in the Orders' final incarnations was merely risible, but in the conditions of the 15th century mirrored a real and savage antagonism. Nor is it surprising that when the Hussite conflict was carried onto Prussian territory, the alignment of parties should follow a similar social divide.

The first involvement of the Hungarian monarchy in the crusading movement came about with the Hospital acting as intermediary (the reference, occasionally cited, to a Hungarian Templar official from the 1140s is a misdating for the 1240s).⁽²³⁾ These contacts might be compared with those already described in the case of the Czech ruler, Vladislav, the Hospital's role being that of a combination of chaperone, cicerone and factotum. A letter to the Master of the Hospital from Bela III, dated between 1163 and 1169, recorded the transfer of 10 000 besants through a royal servant and a Hospitaller, Bernard.⁽²⁴⁾ The money was to be used to purchase property in the Holy Land, though not in any region under threat from the Turks. The revenues of the property were to be enjoyed by the Hospital, unless the duke and his wife should make a pilgrimage, in which case they would enjoy the revenues for their lifetime or until their departure from the Holy Land, after which the property would revert to the Hospital's use: no son or heir should have any enjoyment of the revenues, but, if any came to the Holy Land, they were to be equipped with horses and arms from the Hospital's stores.

(23) D'Albon and Léonard make no Hungarian sources available, except for the reproduction of a reference to the Temple's Hungarian Master, Pons de Crucis, antedated by a century. V.Hormayr provides a partial and unsourced presentation of Templar material. The work of Smitmer in the Hospital's Hungarian archives, which were separately preserved (see CG - Introduction), is reproduced in Fejer's source collection and in the *Cartulaire Général*; it is likely, as with the Prague archives, that unpublished fourteenth century Hospitaller acts contain usable Templar material. See also p 49 Note 39 below.

(24) CG 309

This benefaction was matched by the transfer of two hospital foundations in Hungary⁽²⁵⁾; the expansion of the Hospital's Hungarian possessions should, however, be placed after the preaching of the Third Crusade, when a crusading appeal found a broad response and Hungarian and Austrian contingents together made a separate early departure for the Holy Land. Subsequently, Hungarian society displayed a high level of engagement in crusading ventures and the enthusiasm of the country's rulers, expressed through benefaction to the military orders, matched this effort. The testament of the regent Andrew from 1205, which made his son Wladyslaw co-heir to a third of his estates alongside the Temple and the Hospital, recalls the bequest of King Alfonso of Aragon.⁽²⁶⁾ A privilege of slightly later date lists several crusading orders as owners of property in the country, including the Order of St. Samson and the Polish canons of the Holy Sepulchre in Miechów.⁽²⁷⁾ It is also well-known that the Teutonic Knights, who received valuable early support in Hungary and the Czech lands, were given their first opportunity to perform the function of a 'national' or regional military order in the Hungarian kingdom's Kuman march, and were active there from 1211 to 1225 when they were expelled.

The Hungarian properties of the Hospital were not originally intended to form a separate province of the Order and

(25) 23 June 1187, Innocent III offered protection for the Hospital's hospital of St. Stephen in Gran, (CG 831); (undated) 1193, Bela III confirmed the hospital foundation, also of St. Stephen made by his mother, (CG 936)

(26) 25 April 1205, CG 1218

(27) See below p 112 Note 37

were placed for administrative purposes under the Bohemian prior. This, at any rate, seems the inference to be drawn from the addition of 'in Hungary' to the title of the former Bohemian prior Martin in 1186 and the possible earlier duplication of function of the Hospitaller, Bernard.⁽²⁸⁾

Widespread Austrian participation in crusading expeditions from the Third Crusade produced benefaction to the Order in addition to that previously noted supporting the Mailberg house. A date of 1203 is offered, credibly, by Feyfar for the dotation of Fürstenfeld in Styria, while the property of Pulst in Carinthia was founded from the bequest of a crusader, Rupert.⁽²⁹⁾ The Viennese house of the Order, dated much earlier by Feyfar, was more probably not instituted until the 1270s. The occasional appearances of Austria in the multiple titles of Hospitaller "Visitors" of the 13th century in association with the Bohemian province suggest that at times the administration of the Austrian, as of the Hungarian, possessions was a responsibility of the Bohemian priorate.⁽³⁰⁾

(28) Bernard, in the act of 1163-9 (CG 309) was conceivably the future Bohemian prior journeying to the East as an intermediary. The office of the Bohemian prior Martin is described in 1186 as: "quondam prepositus Pragensis, nunc vero prator Jerosolymitanus et preceptor Ungarie, Boemie, et omnium aliarum terrarum ab oriente et meridione et septentrione adiacentium, licentiam redeundi Jerosolymam, de qua ante triennium fere manu missus huc fuerat, petere cepit." CDBM I 341 (CG 802). In 1188 the Hospitaller Bernard accepted benefaction, with the style of 'magister' CDBM I 325 (CG 840)

(29) For Carinthia, De Salles, p 247 following Feyfar p 68 (whose wording in this case is more careful) significantly predates the 'commandery' of Pulst where the church was only acquired by the Order in 1263, (CG 3052). The same year saw the appearance of a Prior in Austria and Styria (CG 3048). See also A. von Jaksch - Die Einführung. For Mailberg, see above p 30

(30) The Bohemian prior subsequently had visitation rights. The fourteenth century disciplinary records from the Austrian province are in AMR

(6) The Proliferation of Templar Houses in Germany and
Eastern Europe

M.Schüpferling's work on the possessions of the Temple in Germany has removed many legendary or erroneous datings and false identifications of Templar properties. What is immediately striking in his results is the coincidence of the earliest recorded dates of donations, supporting or eventually to support a house, with periods of crusading agitation. Firm dates for original donations which are available cluster around the two dates of 1215 and 1227, when preparations were underway in Germany for the Damietta expedition and the Emperor Frederick II's crusade.⁽³¹⁾

The donations of earliest date are of particular interest: that made by Thibaut, count of Bar and Luxembourg, in 1213 of the house in Pierrevillers, predates the formal preaching of the Fifth Crusade which was begun by the Fourth Lateran Council in 1215 *, but coincides with a localised crusading agitation in the Rhineland, which produced the Children's Crusade.⁽³²⁾ However, this house later formed part of the French rather than the German province of the Order.

This leaves for consideration two German houses, both

(31) These may be listed briefly as they appear in Schüpferling *Die Tempelherren-Orden in Deutschland*, thus: Vic 1218 (p19), Bergheim 1220 (p23), Mühlen 1227 (p31), Mainz 1216, where the representative together with a Hospitaller was collector of the 1/20 th in 1218 (37ff), Roth 1228 (p72), Trier 1228 (p74), Koblenz ad Mosel 1218? (p76), Niederbriesch 1227 (p77), Droyssig ? 1215 (112ff).

(32) Op cit 17ff

* A.Forey, examining this thesis, has pointed out that the start of this preaching should be placed in 1212, a detail which improves the argument presented here.

of which were later to discharge a role of supervision and can be shown to have had an earlier date of foundation. One of these, the Saxon house of Halberstadt, has had its origins dated firmly by Schüpferling to 1201-8⁽³³⁾: the efforts of an earlier writer to claim an origin for the house in Braunschweig in a grant of Henry the Lion, and for the property of Süpplingenburg in a gift of the Emperor Lothar made in 1130 are viewed by Schüpferling with well-founded scepticism.⁽³⁴⁾ Likewise, if the Templar house in Metz is not to be accepted as a gift of the Emperor Lothar, a similar date to that of the endowment of Halberstadt would be credible to account for its seniority.⁽³⁵⁾ An elevated tradition of foundation by a great prince or Emperor may simply record the desire to provide an explanation for the established fact of seniority exercised by the houses of Halberstadt and Metz: perhaps this accounts too for the tradition linking the Hospitaller house of Heimbach with Barbarossa.

(33) *Op cit*, 93ff. Notwithstanding Schüpferling's comments on the transaction of the first business of the house by a humble brother, - as shall be seen subsequently, - provincial hierarchies developed slowly, and this is no indication of the inferior status of the house. Later heads of the province of Alemmania and Slavia, which shall be considered below, were associated with the house in Halberstadt, viz. 'Widekinus' and Bertram von Esebeck, *op cit* pp 96-7. A subsidiary office is probably indicated in the designation in 1306 of a 'commendator' in Oschersleben, *op cit* p 103

(34) The case for the putative house in Braunschweig, considered by Schüpferling, *op cit* 87ff, is simply unsatisfactory: it relies partly on the tradition of foundation by Henry the Lion, but more upon misinterpretation of available information on the property of Süpplingenburg, which Schüpferling discusses at unnecessary length with the admission of irrelevant material, *op cit* pp 91-2 which rather has to do with the Lubusz properties. The act of 1272, (quoted *loc cit*), which shows the provisor of Süpplingenburg in attendance on the official of the house of Halberstadt reveals the true situation.

(35) The case concerning the house in Metz, as related by Schüpferling, *op cit* 14ff, is, as he recognises, entirely suppositious. In 1275 the house was supervised by a Brother Martin, described as 'Magister' in Lorraine, *loc cit*.

The orbit of the 'journeys of solicitation' made by the Templar officials - ultimately supervised by the Paris headquarters - also included the lands of the Empire's Slav and Hungarian neighbours. The datings of donations in these countries, where known, reveal a similar process to that observed in Germany. The house in Prague and the first Hungarian donations probably date from the first decade of the 13th century, although a significant nexus of Moravian properties around Znaim was more likely acquired in the 1240s.⁽³⁶⁾ The endowment of the Order on a very large scale in and around the Lubusz region of the Polish border, which will be described in detail later, seems most likely to have been initiated by German officials from 1227.

The Templars were obliged, at this time, to undertake their own work of solicitation and to appoint officials with appropriate titles and responsibility. Cistercian patronage, in particular that of the congregation of Morimond, which had the greatest weight in Germany, had for some time been reserved for furthering the cause of the Order of Calatrava: while individual Cistercian houses and abbots, observing the model of Calatrava's growth, had in some cases formed special relationships with newly-instituted regional orders, which, in the Baltic region were usually called 'Sword-Brothers'. The greatest and most successful of these efforts of solicitation was made on behalf of the Sword-Brothers of Livonia and was nearly contemporary with the German appeals of the three international military orders, only

(36) The substantial nexus of properties in Moravia around Znaim was the subject of an early study by JE Horky.

slightly predating those of the Templars and Teutonic Knights.⁽³⁷⁾ Among the four competing orders the Teutonic Knights fared the worst by far.

After solicitation and the completion of endowment, the Templars continued to make use of travelling officials for the administration of their properties. There is a letter from the Master of the Temple from 1241 to St. Louis in Paris reporting the death of six Templar brothers at the battle of the river Sajo, and stating that others had shared the fate of Prince Henry the Pious of Silesia at the battle of Legnica.⁽³⁸⁾ This same crisis, which saw the appointment of the Templar official in Hungary, Pons de Crucis to the regency⁽³⁹⁾, has fostered ill-founded fantasies of legions of Templars defending the frontiers of Europe, some versions of which also introduce the Teutonic Knights. The Templars' own account tells a different story, of a small number of members of the Order overtaken by an unforeseen catastrophe, which must surely be allowed to be the correct one. Once it is recognised that to provide a bulwark against unidentified heathens

(37) F. Benninghoven - *Der Orden der Schwertbrüder, "Der Kreuzzug von 1200 und die Ordensgründung"* describes the regional contacts of some of the small number of original brothers with Cistercian monasteries in Hesse.

(38) The actual course of events and the nature of the Templar participation, which must have been severely restricted by the fact that only a handful of individuals were involved, was investigated by B. Ulanowski - *O Współudziale Templaryuszów w bitwie pod Legnicą*, passim. The principal source, the Master's letter to St. Louis, (MGH 26 pp 603-10) is translated by Ulanowski, op cit. p 283.

(39) Pons de Crucis was probably the resident Templar magister. He was named as the Order's representative as early as 1219 (Theiner's *Mon Vat Hung.* I pag 68 No 92, quoted in CD Slovac. No 238). Theiner's source material from the register of Pope Honorius III also allows the date of the Templars' introduction into Hungary to be placed as early as 1198 (Theiner loc cit No 92, quoted in CD Slovac.) This probably antedates the Order's Bohemian and Moravian contacts, which are briefly discussed by Ulanowski op cit. p 280



formed no part of the responsibility of either the Hospital or the Temple (or indeed for a considerable time of the Teutonic Knights either), and that the function of these orders was rather to represent the ideals of the crusade in a local setting, then the evidence from Germany and eastern Europe provides a strong indication of the vitality and continuing development of the crusading movement, in these regions at any rate, in the first half of the 13th century.

(7) The Teutonic Knights

In the years of recovery and reconstitution which followed the disaster of Hattin, German crusaders were thrown into a role of prominence, which the weakness of the surviving Frankish settlement served to emphasise. The greatest hopes were pinned on the army of the Emperor, Frederick Barbarossa - although his sudden death meant that it never arrived. For a time the defence of Acre and of the Christian position in the East were in the hands of Conrad of Montferrat. In 1199 German crusaders mounted their own crusade.

The Hospital and the Temple had suffered grievous losses, and, among the subsidiary possessions which the Hospital relinquished in Jerusalem was its German hospital. When the Order of the Teutonic Knights was first constituted as a field hospital outside Acre, it used the name of St.Mary's - to quote Eric Christiansen: "apparently...as an allusion to the German hospital in the Holy City which had been lost to Saladin three years previously."⁽⁴⁰⁾

The large influx of a new membership and the transformation of an existing dependent institution echoes the experience of the Hospital of St.John a century earlier. The Order of the Teutonic Knights is properly to be regarded as a separate entity

(40) Christiansen - The Northern Crusades, 74ff. The relationship between the earlier and later German hospital institutions is one most conveniently approached by such ellision. According to Mayer, in The Crusades, p 139 and Note 53, ML Favreau has clarified the situation, which in previous writers is certainly extremely confused.

from 1190; the later claim of the Hospital to control the Teutons of Acre, made in the course of a dispute was simply vexatious, even if a Pope gave it credence.⁽⁴¹⁾ This later hostility should not be used as evidence for earlier relations between the old and new hospital Orders; more generally, whatever the rivalries of Outremer, relations within European countries between all three Orders seem to have been good. There is circumstantial evidence to indicate that the Hospital backed the Teutonic Knights' first European appeal, since most of the new Order's earliest benefactors were the Hospital's own supporters.

Such help was the more welcome since the early response to whatever general appeal the Teutonic Knights made was meagre to the point of invisibility in Germany itself. It has frequently been suggested that the principal benefactor of the Order in its first decades was the Emperor Frederick II, but it should be added that most of these donations were made either in Outremer or in Sicily, and in the latter case involved the transfer of Templar property as part of Frederick's policy of dispossession of the Templars in his Italian kingdom.⁽⁴²⁾ The failure of the Teutonic Knights in Germany is striking and stands in contrast to the successes of the three orders who were their

(41) Gregory IX's bull of 23 March 1241, CG 2270, cf the precedent in a bull of Celestine II, 9 December 1143, CG 154/5 in both cases subjecting the Teutons of Acre to the Hospital.

(42) Birman *op cit*, 127ff is instructive on this point. These Sicilian benefactions accounted for a large part of the benefactions of Frederick II noted by Christiansen, *loc cit*, who also notes that in the early decades the Emperor was the sole German patron (though not, it might be added, in the German lands). The most spectacular early German benefaction, the foundation of the church of St. Elizabeth and hospital in Marburg might be argued to show a 'Hungarian' rather than a 'German' influence.

rivals in soliciting support, the Hospital, the Temple and the Sword-Brothers of Livonia. The poor response within Germany may also be contrasted with the early, extensive acquisitions made by the Order in the Czech lands and the success of their appeals in Austria and Hungary.⁽⁴³⁾

There is a tendency, which has already been noted, to magnify the role of the two Emperors Frederick as sponsors of the Teutonic Knights; in the case of Barbarossa the supposition relies on a misinterpretation of the context of the Emperor's privileges for the Hospital. Where Frederick II's relationship with the Order of the Teutonic Knights is concerned, H. Prutz's account is unsatisfactory in certain of its emphases.⁽⁴⁴⁾ In particular, the Emperor's privilege granting the right to the Order's representatives to appear at the Imperial Court with the status of those holding imperial fiefs in spite of their having none, is most readily understandable as a diplomatic device, which conveyed the privileges of lordship in the absence of the possession of property. However, having been described by Prutz as the legal foundation of the lordship later acquired by the Order, it later became, in the version of less scrupulous commentators, a standing commission to conquer large tracts of Eastern Europe for the

(43) J. Hemmerle-Die Deutschordens Ballei Böhmen, pp 10-11, lists these significant early acquisitions in Bohemia and Austria: Bozen (1202), Vienna (1200-6), Troppau (i.e. Opava) and Prague (1203). The early favour of the Hungarian rulers has already been referred to. Even the (small) Polish benefaction in Silesia, see Conclusion below, antedates any clear signs of general German enthusiasm.

(44) H. Prutz, op cit. pp 104-5. Frederick II's privilege was given on 23 January 1216, a date which excludes any Prussian context. It was reissued by Henry VII in 1227. (The existing text of the Kruszwica document may be a forgery, but this cannot be discussed here). Prutz's careful account may be compared with the emphases of Kantorowicz and Matschke, and of course of Alfred Rosenberg.

Reich, a proposition which the briefest reflection on the chronology and context of events in Prussia and Livonia should be sufficient to expose as ridiculous.

If the importation of retrospective significance into accounts of the early history of the Teutonic Knights through awareness of later developments on the Baltic constitutes a trap, (which some writers are more liable to fall into than others), one additional consequence of over-ready acceptance of Germany's nationalist myth has been a failure to appreciate the character of the Order's involvement in Outremer, which fully justified its characterisation, alongside the Hospital and the Temple, as an international crusading order. Originally the work of the Order in the East took priority; it could not be otherwise. However, the difficulties already outlined in the case of the Temple applied with still greater force to the Teutonic Knights. As a new order it had to make its way in competition with two established and vastly more powerful rivals. Its success was striking, if incomplete, owing much to a perceived usefulness for Frederick II in his Outremer dealings as a convenient instrument to be employed against the Hospital and Temple. Yet the Order could make bold commitments on its own initiative, and was not simply an Imperial tool; its Armenian march represented a venture greater in its demands than the Hungarian enterprise or the early Prussian involvement.⁽⁴⁵⁾

(45) Riley-Smith—The Templars in Cilician Armenia, emphasises the continuing importance for the Temple of acquiring new northern marches in the 13th century; they were joined as rivals in this activity by the Teutonic Knights.

The operation of prestige is hard to assess in the remote past, but it should not be forgotten that the selling-point of all three Orders was their prominence in the struggle characterised then and subsequently as the business of Christendom. No local commissions to act against Kumans or Jaczswings could rival the glamour of the contest for the Holy Places.

The Teutonic Knights' role in Outremer also offered engagement in international politics as a consequence of their active share in the cause that was a European obsession; accordingly, until the situation in the East was clearly lost no effort or energy directed there could be considered wasted. It is true that the Teutonic Knights were the first of the international orders to resign from Outremer, but, the role of last-ditch defender that they declined was one to which the older Orders were more definitely committed by the logic of their situation.

The potential of the Order's role in Prussia and Livonia was gradually revealed during the 13th century: it is a very great error to see the final development of events in either region as implicit in the terms of the Order's introduction. The ultimate prize and opportunity, - that of sovereign rule in a viable and defensible territory, - was only made manifest through the success of the Order's coup against Gdańsk in 1308. The shift in perceptions and the reassignment of priorities between Outremer and Prussia was longer in coming than is frequently assumed, and Outremer, for nearly as long as it survived, had first claim on the Order's attention and resources.

(8) The Fall of Outremer and the End of the Crusades.

The thirteenth-century Latin settlement in the East included the kingdom of Cyprus as well as parts of Greece and Asia Minor that had been removed from the Byzantine Empire and needed to be defended against both the Greeks and the Greeks' traditional enemies. The Syrian and Palestinian territory of mainland Outremer, greatly constricted after the losses which followed Hattin, was a progressively narrowing coastal strip. The Franks' recurrent strategic aim was to convert what they held into something more secure: at first it was hoped to include a strip of Egyptian territory, a sensible ambition but one that proved unattainable. Other plans and devices included those of persuading the Greek rulers who held residual Byzantine authority to accept ecclesiastical union with Rome: of building a wider system of alliances, with the Armenians the Georgians, even with Prester John, if he could be located; or most optimistically with the Mongols, who were found to have other plans. All such hopes were added to the traditional trust in support from the West; ultimately, all were to be disappointed.

The character of the settlement in Outremer also changed. New acquisitions in Cyprus and in former Byzantine territory diverted the energy of potential settlers. There was no scope for settlement on the mainland and little to attract newcomers. When Jerusalem was briefly recovered - as a result of

the Emperor Frederick II's negotiations - it was held without fortification. The coastal towns and fortresses were owned for the most part by the Italian cities and the Military Orders within a delicately-balanced commercial and diplomatic system, one which its masters were reluctant to see disturbed.

The strategic quandary, the lack of land, the dominance of established corporations, all left visiting pilgrims with little scope for effective action, while the influence of the two older Military Orders progressively increased. Only the most forceful and powerful of visiting princes, Frederick II or St. Louis, could attempt to impose their will. Others, like the English crusading princes of the thirteenth century, Richard of Cornwall and Edward, enjoyed a conducted, one might even say a guided, tour - a procedure later adapted and employed by the Teutonic Knights in Prussia.⁽⁴⁶⁾

(46) The characterisation of English service with the Teutonic Knights in the Prussian-Lithuanian wars of the fourteenth century as a 'safari' by Christiansen, op cit pp 148-51, masks with irony a feature already apparent in the 13th century experience in Outremer; a closer description of which would necessitate a revision of the conventional wisdom on the subject, which for a long time postulated a progressive decline rather than an alteration in crusading practice. An absolute decline is belied, for example, by the extensive preparations for Richard's and Edward's crusades. (Described in Tyerman, op cit. esp. pp 154-8, 161) Too much has been derived from the arguments of Throop-Criticism of the Crusade. Recently, N. Housley-The Avignon Papacy and the Crusade, pp 228-30 has pointed out the similarities between 13th and 14th century crusading practice, apparent in the careers of later crusading princes such as John of Bohemia (op cit, p57, 68, cf the treatment in Christiansen, loc cit, where King John is described as "the leader of the fashion"). An additional point to emerge from Housley's analysis is the desirability of additional, indeed of any substantial detailed information on the Hospital's European priories in the 14th century. (See op cit pp 282-5) Unfortunately Tyerman's work was written with a self-denying ordinance on enquiry into the English Hospital. Any such investigation for the German and Bohemian priory would have to take into account that these had acquired their own local agenda in the later period. The description of their evolution in the present work may help to explain how and why this was so.

The Orders also controlled the transport of pilgrims and the transfer of funds to Outremer. Their role in the latter respect increased since, in addition to their own responsions, they were frequently entrusted by the Papacy with the collection of papal taxes for the crusade. The expedient of allowing rulers to levy these themselves had not been a happy one.⁽⁴⁷⁾

The formulation of criticism of the Orders' role belongs to the last years of the Outremer settlement. When Matthew Paris, whose tract is the most widely-quoted text on the question, addressed the 'problem' of the military orders and the crusade, his prescriptions were tentative: even the milder suggestions which he made could not be applied for as long as the Outremer settlement survived or the hope of action to secure its recovery persisted.⁽⁴⁸⁾ Yet such criticism, however unlikely to result in practical measures against the Orders, was of a kind which presaged their destruction, and it was the price they paid for exercising not a proportionate share, but a near totality of responsibility for the situation in the East. Crusading was accepted as the business of all Christians. If Outremer was failing, or if it fell, no effort of the Orders, while they still manifestly possessed vast European wealth, could be considered sufficient. Any disposal of their wealth could be justified. At the same time, the idea that the solution of the crisis in the

(47) The Hospitallers also took over the banking responsibilities of the expedition of 1345, Housley op cit pp 194-8

(48) M. Barber-The trial of the Templars 13ff discusses the project of Matthew Paris, and of Pierre Dubois an advisor of the French king, who, writing in c. 1306, anticipated the rationale of the later legal assault on the Temple. Cf Housley, op cit. 241-5 on the ideas of Ramon Lull in the context of the Hospitaller crusade of 1309-10

crusading movement involved doing something about the Military Orders, once planted, was widely ventilated. The Papacy was prepared, using its direct personal supervision of the Orders, which had benefited them so greatly in the past, to consider confiscation of the Orders' wealth to fund a new crusade. At the very least, a merger of the Hospital and Temple, once an appropriate means of enforcement could be found, appeared the common-sense solution. What this meant in practice was judicial murder and expropriation, the former confined to France, the latter general.

The destruction of the Temple may be held to have formed part of a long line of disasters of policy, initiated and promoted by the Papacy, which were also human disasters; processes below contemporary perception inexorably procured the sack of Byzantium, the slaughter of Albi, and the burning of the Templars. These, along with the Jewish massacres which frequently preceded the departure of crusading armies, and the massacre of the residents of Jerusalem in 1099, are among the monuments of the crusading movement.⁽⁴⁹⁾

(49) Barber, *op cit.* 179ff examines the charges against the Order. To do so in any rational way involves certain difficulties since the vast majority of works on the Templar trials to be found in general and specialist bibliographies are concerned with their supposed necromancy.

Acre fell in May 1291, the last fortress of size to be defended on the mainland. After its fall, the Mameluke sultan systematically destroyed all the former Frankish defences; this was intended as a final act, and as such it was effective.

Christian power in the East continued to be represented by the Armenian principalities and by the residual Byzantine authority in Greece. The residue of Frankish power was to be found in the kingdom of Cyprus and it was there that the Hospital and Temple first withdrew.⁽⁵⁰⁾ For some time past, they had been engaged in fierce competition to increase their presence on the island; the fierceness of this rivalry showed some appreciation of what was at stake. Although the Temple had once been offered the rule of the island - following Richard's conquest - they had felt unable to contend with the local unpopularity, which the assumption of power would bring: they now found themselves at a disadvantage in their relations with the ruling family and with local society, a situation which hindered them in their competition with the Hospital over the acquisition of property. The senior Templar officials and the Master relocated in practice, if not formally, to their Paris headquarters. The Hospital, too, was concerned not to outstay whatever welcome it had in Cyprus. The conquest of the island of Rhodes from Christian Greek defenders, brought them

(50) The experiences of both Orders in Cyprus and the Hospitaller conquest of Rhodes are described in Riley-Smith-The Knights of St. John, (chapter) Part 1, Chapter 7, pp 198-226, "Interlude in Cyprus".

their eastern seat. The resolution of this particular local competition helped to seal the Templars' fate.

The first decade of the 14th century also saw the seizure of Gdańsk by the Teutonic Knights. Their action likewise reveals a morality born of desperation. Notwithstanding subsequent distortion both the background and the course of events are uncomplicated. The Teutonic Knights had always received support from the Polish princes and enjoyed good relations with them. The Mazovian prince, Conrad, who had made the original provision for the Order, and his sons who succeeded him, maintained an alliance, part of the usefulness of which was the inconvenience caused to the princes of Gdańsk-Pomerania.⁽⁵¹⁾ These, in turn, had considered settling the Order of Calatrava to discharge a role corresponding to that of the Teutonic Knights as originally conceived - that of a 'national' order with a tripartite authority of bishop, Cistercian abbot and military order in the new territory.⁽⁵²⁾

The regional political situation was altered by the advance of the March of Brandenburg. From the 1270s, the princes of Szczecin-Pomerania were forced to accept the status of vassals, while the Lubusz territory had been directly absorbed into the Mark in the two previous decades. This brought the margraves to a common boundary with Polish principalities; only the small

(51) Christiansen, op cit 100-2 recognises the significance of this local antagonism, which, however, extended over a longer period than is recognised in his account.

(52) The early relations between sponsor (missionary bishop), Cistercian abbot, and military order were of great significance in Prussia, as originally in Livonia. The power-struggle there in which the Sword-Brothers won mastery at the cost of the settlement's destruction is the principal theme of Bennighoven-Die Schwertbrüder. See also below, pp 355-7 for smaller local military orders in Prussia and the presence of the Order of Calatrava in Gdańsk-Pomerania.

Pomeranian principality of Gdańsk stood between the rampant margraves and the lands of the Teutonic Knights. At the death of the last of its native dynasty, Gdańsk was bequeathed to Przemysław II of Wielkopolska, and his claim passed, at his death to Władysław Łokietek, the claimant to the Polish crown. When, in 1308, Łokietek found himself under simultaneous attack from the Czechs and from the Brandenburgers, who moved against Gdańsk, he agreed terms with the Order for the defence of the city: in accordance with these terms, the Polish garrison admitted their allies, who proceeded to massacre them. The Teutonic Knights followed up this coup with a treaty with the margraves of Brandenburg, under which they purchased the latter's claim to Gdańsk.

The treachery of the act is undeniable, but this should not be the first and last word in the analysis of events. It needs to be appreciated that the advance of the margraves posed a threat to the Order in the creation of a common boundary with its territory. As an ally of the Polish crown, which was at war with the March, it could not expect to see this respected. The margraves had made short work of the Templars during their advance into the Lubusz region. It is arguable that Prussia was more vulnerable than any Polish territory if the war continued. It was doubtful whether the Polish crown could offer any immediate, effective support. It is usually simpler, and sometimes more effective to attack one's friends rather than one's enemies. All of these considerations - not just the last one - contributed to the Teutonic Knights' decision to seize Gdańsk and to make a final breach with Poland. It was, accordingly, not the perception of any

national or racial community of interest with the margraves, but rather the realisation that racial ties counted for nothing and that their own territory was under threat, which decided the Order on its course of action. Once taken, it also resolved an anxiety, probably present in their minds from the start of the Prussian enterprise, that, whatever they achieved in Prussia would, under certain circumstances, be liable to removal by their Polish neighbours - as had happened in their Hungarian march. As it was, the seizure of Gdańsk secured the Ordenstaat for a century.⁽⁵³⁾

The suppression of the Temple proceeded from Philip IV's compelling desire to expropriate the Order. His attack has the distinction of being the first to involve the total destruction of a religious body and confiscation of its property: the grotesqueness of the proceedings may be taken as testimony to the cultural inhibitions against such an action, and also to the fact that such inhibitions are not insurmountable. Pope Clement V, in ordering a general confiscation of the Temple's property while the trials were in progress hoped to salvage it for the benefit of the Papacy and the crusade. This decision was fatal to his own plans as well as to the Order's survival, since the confiscated property,

(53) The Order was obliged to secure its title not only through conventional defensive measures (including counter-attack), but also through appearing as defendant in a protracted law-suit which generated two partisan accounts of earlier events. Housley op cit 266ff examines a number of resonances from the crusading movement, including the hope of the Order's domestic opponents, headed by the Archbishop of Riga, of sending them the way of the Templars. King John of Bohemia, among his crusading services, made over the appropriate portion of the Czech crown's claim to the Polish monarchy. The continuing significance of the law-suit in Polish politics through the first half of the century has been analysed by PW Knoll in his *Casimir the Great and the Rise of the Polish Monarchy*.

predictably, remained in the hands of secular rulers. While some princes behaved more honourably than others, it eventually became clear that the papacy could not realise the Temple's assets, and it was then that a series of papal instructions, their force weakened by the prior papal action, were issued for the transfer of the Temple's property to the Hospital.

Obtaining the reversion of the Templar property was one of several problems which occupied the attention of the Hospital's displaced central authorities. The Hospital's own sense of security was understandably severely shaken, although the terrible example of what had happened to the Templars, - with very few individuals actively willing such a result and most observers appalled by it, - probably discouraged the start of any similar proceedings against the rival Order. This source of anxiety merged with other severe organisational problems, the effects of which can be observed in some detail in the particular context of the Hospital's possessions in Eastern Europe. In Bohemia and Eastern Germany, from the 1290s onwards, a power-struggle was played out between regional officials, many of whom had traditionally possessed, or had deliberately acquired, family ties with the Order's houses, and who now attempted to convert their association with the Order, their office within it, and their control of its property into new, independent offices, approximating to the lordship of minor secular or ecclesiastical princes. To secure the new status contained in their office they adopted the title of Grand-Prior, in both instances by a similar, circuitous route. In

addition, the Grand-Prior of Saxony, Pomerania and the Mark, the self-styled 'Herrenmeister', was briefly raised, as a reward for political partisanship, to the rank of prince of the Empire.⁽⁵⁴⁾ In the creation of these local power-bases, the former Templar properties in Lubusz (once they had been recovered by the Hospital) and the Silesian province of the Hospital played a significant role.

The destruction of the Temple and the struggles of the Hospital during its period of transition and transformation into a conventional religious order - albeit one with a particular and highly individual history, ethos and vocation - are concluding themes. Their context is the end of the crusading movement, the point in time when the combined effort of Latin Christian society in support of the Outremer settlement was winding down.

The idea of the crusade was longer-lived. Several ventures, in particular those of the Hospitallers in Rhodes and Malta, and of the Teutonic Knights in Prussia recalled the traditions of the earlier period. Their participants may well have considered themselves to be crusaders and the heirs of the first crusaders, but they also knew that they would not follow the path of Baldwin, Raymond and Godfrey.

(54) The evolution of this office is the subject of J. von Pflugk-Harttung-Die Anfänge des Herrenmeistertums. Several corrections to this and associated writings on the subject, particularly in regard to the obscure early history of the title and its 13th century antecedents in the Hospital's administrative hierarchy, will be offered at appropriate points in the present work.

THE HOSPITAL AND THE TEMPLE IN POLAND AND POMERANIA

CHAPTER 2 : THE HOSPITAL IN THE KINGDOM OF POLAND

CHAPTER 3 : THE HOSPITAL IN SILESIA

CHAPTER 4 : THE HOSPITAL IN POMERANIA

CHAPTER 5 : HOSPITAL OFFICES AND OFFICIALS

CHAPTER 6 : THE TEMPLE

CHAPTER 2 THE HOSPITAL IN THE KINGDOM OF POLAND

(1) The Kingdom of Poland.

The use of the term 'kingdom of Poland' to describe the area of rule of the Piast dynasty courts the obvious objection that for much of that period there was no crowned king or single ruler in the country: but the phrase 'regnum Poloniae' finds sufficient support in the period itself to counter objections to its use. The notion of a kingdom without a king was not in contemporary terms the absurdity it may now seem.

The Polish term, 'Polska Piastowska' (Piast Poland), which is used by Polish historians to cover the rule of the Piast dynasty from Mieszko I to Kazimierz the Great can be argued, without difficulty, to discharge better its historiographical function than such uncontentious, but far less exact, terms as Capetian France or Ottonian Germany. All such terms must, in any case, be held to carry with them their own internal qualifications and reservations.

Comparing the frontiers of the Piast kingdom with those of the modern Polish state, one finds a similarity rarely matched in the intervening period: necessary adjustments are few - most present territory on the right bank of the Vistula and beyond would be more appropriately termed Prussian: in the west, some adjustment to the benefit of Poland along and beyond the line of the Oder: and in Silesia the cession of Kłodzko (Kladzko / Glatz) to the Czech kingdom would complete the definition of

the territory of the 'regnum Poloniae'. The relationship of the regions covered by the present voivodeships (województwa) of Pomerania and that of Zielona Góra to the whole require particular discussion, which will be given in a later chapter.

The largest influence on internal political divisions within these boundaries was exercised by the provisions made after the death of Bolesław the Smeerer (Krzywousty, d. 1138), which effected a patrimonial division, possibly intended to be of limited duration, but in the event enduring. In Polish historical writing it is more usual to describe these divisions of the country as 'dzielnice' (singular form, dzielnica), a term which does service for a province within a country while also conveying the sense of a division or a share. For German writers to refer to an undifferentiated series of dukes in unspecified duchies may be a neutral, as well as the most natural and convenient, terminology, although it must be said that the German equivalent of the English 'prince' is also available and, in German, less awkward to employ. In Polish, 'książę' (prince) is invariably used to describe the rulers of this period. The alternation of use of 'dux' and 'princeps' in contemporary Polish and Pomeranian titles did not reflect any difference of category.

A more serious difficulty is presented by the absence of an accessible framework in German historical writing and, by a familiar process of transference, also in English-language works, for the discussion of Polish affairs. It is not uncommon for the casual seeker of information to find his or her attention

consistently directed to works dealing with the imperial pretensions of Otto III. There is a tendency to restrict interest and comment to the few occasions on which the Polish polity became involved with the Empire. Thus, in a period of several centuries, for which a rich supply of original source material is available, two acts of homage made by Polish rulers to the German Emperor have received disproportionate attention. The lasting significance of these episodes is questionable; in the case of Barbarossa's opportunist intervention on behalf of the exile Władysław (Wygnaniec, expelled 1146) and his invasion with Czech allies, the Emperor achieved little beyond the display of his power.

The Polish and Bohemian situations were very different. Therefore, one should view with caution a tendency to cite the emperors' assertion of their position with a view to denigrating the exercise of authority by Poland's Piast rulers in their principalities: still more the argument sometimes developed in tandem, that princes in Silesia and Pomerania, which formed part of German states in modern times, aimed consciously at the Germanisation of their principalities. Such views have been formed more by the requirements of later nationalism than by mature reflection on what can be established of the realities of the past.

The practice of politics in the kingdom of Poland among the generations of Bolesław the Sneerer's sons and their descendants is complicated by the sheer number of the participants. One recurrent theme is the difficulty of maintaining a unitary political authority. However, this problem had existed in

the more remote past when monarchical rule had the appearance at least of being the natural mode of government.

The dilemma of whether to seek or accept coronation had been faced in a variety of circumstances before Bolesław the Sneerer's death. His own father Władysław Herman (d. 1102) had ruled as undisputed ruler without being crowned, while coronation had not prevented Bolesław the Bold (Szczodry, expelled 1079) from losing his position as ruler through internal revolt. Bolesław the Sneerer himself, as junior heir, had first needed to secure his position against his half-brother Zbigniew, who, as senior, had been more favourably placed in the division of their father's property.

The patrimonial division on the Sneerer's death was made in obedience to custom and tradition; nor can it be held to have excluded the possibility of the restoration of unitary rule by one of the heirs. The oldest of the sons, Władysław, was, as was the custom, most favourably placed by the division to convert his status as senior prince into that of monarch, but he proved unable to maintain himself against the concerted action of his mother and all his brothers.

After Władysław's expulsion, re-division of the patrimony helped to reduce the authority of the new senior, Bolesław the Curly (Kedrzezawy, d. 1173) and to secure the independent rule of his brother, Mieszko the Old (Stary, d. 1202) in the province of Wielkopolska. The youngest of the brothers, Kazimierz the Just (Sprawiedliwy, d. 1194), had been excluded from the original division, but as the nominated heir of Henry of

Sandomierz (d. 1167), the fourth son, he received Henry's junior share of the Małopolskan duchy: and, after Bolesław the Curly's death, Kazimierz's position in Małopolska matched the independent rule of Mieszko Stary in Wielkopolska.

Mieszko in Wielkopolska was the third of the brothers to succeed as senior prince, but Kazimierz, once established as the ruler of Małopolska, showed great energy in promoting the historical associations of his capital Kraków, allowing him to reinforce a pretension - which gained general acceptance in succeeding generations - that Kraków was the proper seat of the nation's capital, and to pass on mastery of the province of Małopolska and these same national pretensions to his oldest son, Leszek the White. Kazimierz's second son, Conrad established himself and his heirs as rulers in the co-joined provinces of Mazovia and Kujawy.

The return of the sons of the first, expelled, senior prince Władysław's two sons, Bolesław the Tall (Wysoki) and Mieszko the Flat-Footed (Plątonogi), to share the Silesian portion of their father's inheritance (the undertaking to allow their eventual return being the sole concrete result of Barbarossa's invasion), completed the conversion of the appanages of Bolesław the Sneezer's heirs in the first generation into hereditary duchies or 'dzielnice'.

Henceforward these 'duchies' were units of political rule. They were also counters in a political game, in which, through annexation or the exercise of a regency, one of the descendants of Bolesław the Sneezer in the succeeding generations

might aim to gain preponderance using the title either of senior prince or of monarch, and so restore unitary rule. Naturally, the rivals of any prince who displayed such ambitions, would seek to frustrate him, and the division of power within the former kingdom gave them ample means to do so. The declaration of his own seniority was the closest any candidate came to the Crown for a hundred and fifty years, although consciousness of the monarchical title was by no means lost, and Poland or 'Polonia' continued to have meaning as the country and the kingdom in which the Piast princes ruled.

The contenders for mastery in the next generation were Kazimierz the Just's two sons, Leszek the White (Biały, d.1227) and Conrad of Mazovia (d. 1243), together with Henry the Bearded (Brodaty, d.1238) of Silesia, who was the son of Bolesław the Tall and grandson of Władysław the Exile and so was Bolesław the Sneerer's heir in the direct line of descent; the rivalry between the princes became a national issue when Conrad and Henry disputed between them the regency of Leszek's infant son, Bolesław the Chaste (Wstydlivy, d. 1279) of Małopolska, and with possession of the body, the mastery of Kraków.

Once Bolesław attained his majority, a more quiescent period saw the various branches of the Piast family confined to the politics of their own duchies, where succession disputes and further subdivision were not unknown. In 1227 two rival princes for the rule of Wielkopolska had been distracted by their own quarrel from participation in national events. Yet even in Silesia, which underwent the greatest subdivision of all the

duchies, one prince, Henry IV the Upright (Probus, d. 1290), was able to assert ascendancy over his nearest relatives and local rivals and from his Silesian power-base obtain control of Kraków. His actions revitalised the competition of rivals for the senior rank and, according to some commentators, Henry himself contemplated prosecuting a claim to the Polish crown.

The situation developed further in the 1290s, when Przemysław II of Wielkopolska, pursuing the same end by other means, arranged for the metropolitan of Poland, Jakub Swinka, the archbishop of Gniezno, to crown him king in his own duchy. His next intended move must remain a matter of speculation, for he was murdered soon afterwards (1296). The quarrels and rivalries which had grown ancient among the branches of the Piast family were ended in dramatic fashion when the Czech ruler, Václav II, imposing his dominance over the princes of Silesia in the vacuum following Henry IV Probus's death, proceeded to obtain control of the city of Kraków and have himself crowned King of Poland (1300): he was succeeded briefly, after his death in 1305, by his infant son, Václav III.

Władysław Łokietek's standing as a junior Mazovian prince would not ordinarily have made him a credible candidate for the rank of senior prince let alone for the monarchy; but, as the opponent of alien, non-Piast rule, he was able to assume a role of leadership in Polish society. Łokietek ('the Dwarf', d. 1333) derived support from the loyal subordination of his Mazovian relations where his claim to the crown was concerned; but, in a peculiarly Piast and Polish fashion, this support was coupled with an insistence on his respecting their own autonomous

standing within the Mazovian duchy, thus preparing the way for Mazovia's equivocal and anomalous position in the restored kingdom. This suited Łokietek, who was more concerned with compelling acceptance of his claim to the inheritance of the redundant branches of the Piast family: first in Małopolska, then, after Przemysław II's murder, in Wielkopolska and Gdańsk-Pomerania, where Przemysław had succeeded the last prince of the native dynasty.

In the course of a long career, Łokietek was expelled or excluded from practically every corner of his kingdom; it was his successor, Kazimierz the Great (1333-70), who reaped the harvest of his father's efforts, and concluded the agreement with the enemies of the new kingdom which Łokietek's tenacity would not allow him to consider. In the course of Łokietek's struggles, the threatening alliance which he had inherited, of Brandenburg-ers and Czechs, was replaced by a still more deadly axis through the addition of the Teutonic Knights, creating a constellation of enemies that could threaten the dismemberment of Poland. The price that had finally to be paid for peace was the resignation of substantial territory in the west, the loss of Silesia and the abandonment of Pomeranian claims.

The Polish duchies of the period of divided rule require some further description. They coagulated around natural and older tribal divisions, but they were not ready-made units of government. The institutions which were created within their boundaries and their customs were those of the older Piast monarchy.

It is remarkable that sovereign authority in all the duchies throughout this period was conserved in the hands of the Piast dynasty, the more so since earlier kings had been gravely troubled by over-mighty office-holders, as was the case for Władysław Herman in his relations with the castellan Sieciech. In the period of divided rule, however, where a vacancy occurred in the rule of a 'duchy', a Piast candidate would invariably make good his claim: where the succession was disputed, as in Wielkopolska following the rule of Mieszko the Old, the issue was resolved between two Piast candidates. Nor, with the exception of Barbarossa's invasion in support of Władysław the Exile, were Poland's neighbours successful in exploiting internal rifts.

The internal harmony of political relations was on occasion reinforced by formal meetings or 'wiece'. The princes of Gdańsk-Pomerania were occasional and reluctant participants at these events, on one occasion responding to an invitation by procuring the murder of the senior prince. Among the topics ventilated, - usually questions of foreign policy were prominent, - the question of the stateless or non-Christian territories bordering Poland was considered a fit subject for the princes' joint discussion. It also seems, and evidence on this point is germane to the topic of the present work, that a widespread division of property between all branches of the Piast family had been effected in the Lubusz region, which was under the claim of sovereignty of no single duchy.

Questions touching the lands of the Pomeranian dukes and their discussion might be influenced by a residual pretension from Pomerania's pre-Christian past, when Poland had aimed to

control the mission-field. The thoughts of Bolesław the Sneerer, when turned to Prussia, had recalled this Pomeranian precedent from the time of Bolesław the Brave (Chrobry).

For the earlier part of the period under discussion in the present work, German activity directed towards expansion on the Baltic littoral and inland was remote from the traditional Polish spheres of interest just described. For this reason, there was no territorial rivalry to impede, for example, close relations between the junior princes and the margrave Albert the Bear, who was bound to them by marriage ties and interceded on their behalf at the time of Barbarossa's invasion, helping to persuade the Emperor that no purpose would be served by the rigorous prosecution of Władysław the Exile's claims.

At the time of the Wendish crusade, the Poles saw no reason to withhold participation and served willingly, although the discovery in the course of the expedition that the crusade's leader, the bishop of Havelberg, coveted the Pomeranian city of Szczecin may have given them cause for subsequent reflection. The most ambitious German venture in the East, the early Livonian settlement, impinged not at all on what might be regarded as Polish or Pomeranian spheres of interest. By the middle of the thirteenth century circumstances had altered. The growing power of the margraves of Brandenburg, their annexation of the northern part of the Lubusz territory and imposition of overlordship on the princes of Szczecin-Pomerania, completed a swathe of conquest which brought a powerful German principality for the first time to Poland's north-western border.

Two events in the north-east - the completion of the Prussian conquest and the collapse of the first Livonian settlement, which the Teutonic Knights immediately took over - established the Order in a very short space of time as a power in its own right, easily the equal in strength of any neighbour; but this development was the less alarming since their relationship with the princes of Poland remained one of close friendship until the seizure of Gdańsk-Pomerania in 1308.

If the Polish princes lived for most of this period with no apprehension over the activities of their German neighbours, there is less reason to believe that the German peasants who settled in the Polish and Pomeranian principalities, the German knights who served at the princes' courts, and the German clerics who filled ecclesiastical benefices, were serving as the vanguard in some great task of Germanisation in precisely those sections of the Polish kingdom which formed part of the German state of the 1870s. Of the many possible historical models that exist to describe the transmission of cultural influence and the movement of population, it is remarkable that it should have been so often and so unquestioningly assumed that the most appropriate analogy to describe relations between Slavs and Germans in the Middle Ages is that (itself serving a national myth) of the history of the Spanish and the Amerindians.

Subservience to the German nationalist myth consists also in detailing manifestations of national consciousness and national cohesion where these did not exist: but there is no evidence of a broader German national consciousness among the

many German elements which impinged on, or helped to make up the fabric of society in Piast Poland: nor is it necessary to deny the manifest and manifold German component in the life of the medieval kingdom of Poland in order to support this statement. Certainly there was an identifiable sense of racial awareness, which at times was strong and factional allegiance in local ecclesiastical disputes, in Kraków and Wrocław notoriously, could be fierce as the rival parties proclaimed themselves Polish or German. This is a long way - a very long way indeed - from the conscious anticipation of German statehood, or even an invariable racially-premised allegiance.

Nonetheless, although the statement may cause surprise, it is not substituting one nationalist myth with its dialectical opposite by any means to assert that the single sense of nationhood - as opposed to self-awareness in respect of nationality or racial-grouping - in the territory of the Piast kingdom was Polish: among the institutions of society promoting such national cohesion and the consciousness of nationhood, in the absence of a unitary state authority, the foremost was the Polish Church, which had been established in the kingdom of the Bolesławs under the metropolitan see of Gniezno.

Many churchmen sought to preserve, as a matter of policy, the concept of the Polish crown and kingdom, remaining aware of the territorial and jurisdictional ambitions of bishops outside Poland: their ambitions and apprehensions accordingly ranged further than those of secular princes; and besides, the Polish prelates had pretensions and ambitions of their own, which would derive an accession of strength from the enhancement of the

rank of the secular authority with which they were associated. The belief of the most eminent churchmen of the period that the restoration of monarchical authority was required, is consistently attested.

Societal cohesion was also served by the existence of the particular Polish institution known as 'rody' (singular form, ród), which were familial associations, sometimes credited with a spurious tribal origin, that had arisen in the old Polish kingdom and continued to cross the new internal boundaries; they also served to bring Gdańsk-Pomerania into association with its Polish neighbours. The 'rody' perpetuated networks that had existed for the distribution of offices and patronage in the older unitary Polish state and gave them new significance. Quarrels, rivalries, mutual support and enmity were carried across internal boundaries - sometimes with startling consequences; offence to one branch of a 'ród' on the part of King Przemysław incurred the wrath of their associates and was the cause of the king's murder.

The thirteenth century saw marked economic growth and the progressive development of the whole country, albeit with regional variations, which reflected the variegated effect of the stimulus of trade. This stimulus, originating in the German lands of the Empire, and accelerated by the creation of new eastern German principalities, gave Poland more of a European presence than it had previously possessed. Habits of distrust - if they had ever been strong, which is doubtful - were discarded. Polish society became prepared to represent itself from its position on

the margins to a wider world, whose common language and shared custom was German in origin.

An enormous contribution to economic development and to the adoption of new customs and practices was made by German merchants and through the immigration of German settlers, even if by no means all of the newcomers were of German origin. However, in this connection, one has to deal with the expression in German historical writing, particularly that of an older generation, of a nationalist historical myth, whose general version might be summarised as follows: that the purpose, indeed the specific commission, of German immigrants was to found free peasant communities, where the very idea of subjection to any Slav authority was intolerable: that German merchants living in free communes founded, and thenceforward exclusively populated, the urban centres of Silesia as well as those in the less German, more Slav, therefore more backward, Polish duchies: that before, at any date in the future German princes, or German states obtained the rule of any particular area of the East, these areas had been effectively 'Germanised' (or reclaimed for Germans, since prehistory, and its refreshing absence of definite information is also grist to the mill): the cultural development of the remaining areas of Eastern Europe was therefore represented as the exclusive activity, indeed the historical task (or destiny) of German migrants.

None of this is sustainable or justifiable: that does not mean it is not still liable to repetition. The earlier influence of this conventional wisdom was sufficiently pervasive to make its eradication in particular instances difficult: to

give a single example - the scale of damage caused by the Mongol incursion of 1241 was and remains) grossly over-estimated with no attempt to make use of contemporary information, simply because the favoured representation allowed a convenient dividing line to be drawn between Slav Silesia, which was held to have suffered annihilation, and its rebuilt 'German' successor.

It is charitable to assume that English writers, who have taken the fruits of German 'scholarship' from this ideologically-poisoned tree, are simply ingenuous. It is regrettable, nonetheless, that what one might describe as the National Socialist version of '1066 and All That' has been so faithfully imported into standard English works. It is rather more damaging that it has, on occasion, suited the temper of Marxist and nationalist Polish historians to accept the crude substance of these arguments with a view to opposing them dialectically, and by accepting the fact of a putative German 'colonisation' to substitute another determinist version in order to read new lessons upon ancient quarrels.

In truth, it is hard to find instances of conflict premised solely on either national or racial differences in Piast Poland. German knights served the Pomeranian dukes against the Brandenburgers, and Slav princes were among the most significant supporters of the early Teutonic Knights.

2) Henry of Sandomierz's Foundation in Zagość

Henry of Sandomierz was the fourth of Bolesław the Smeerer's sons and the last to receive a share in his father's division of his patrimony. Henry's share, the Sandomierz region in Małopolska, was, in his lifetime, to be considered less an independent 'duchy' than the appanage of a king's younger son, governed in matters of importance with reference to his elder brothers, and liable to revert to the patrimony of the ruler.

Following the ineffectual conclusion of the 'Wendish' crusade, Henry was one of three representatives of the participating powers, the others being the two most powerful eastern German princes, Albert the Bear and Henry the Lion, who made a personal pilgrimage to Jerusalem: each of them also founded a house to represent the Hospital in his own principality. Henry's last recorded venture had something of the spirit of both the classes of crusade which he had experienced in his lifetime - an expedition against the Prussians, where he met his death in 1167.

Premised upon this 'curriculum vitae' there exists a traditional view of Henry as mystical, idealistic, and perhaps slightly out of tune with his brothers and contemporary Polish society. He is the only Polish crusading prince of the crusading period; the only other possible candidate is his brother, Władysław, who may have accompanied the Emperor Conrad, his brother-in-law, at whose court he passed his exile. By contrast, Leszek the White's response to the Pope on behalf of the princes of Poland in 1221, - that he would go to no place where he could

not get beer, - is well-known, and often quoted as accurately representing a general Polish attitude.⁽¹⁾ The actual context of this riposte was, however, the Polish senior prince's desire to obtain crusading indulgences and papal support for Prussian projects: it was made from a background of knowledge of crusading practice, rather than from one of disinterest.

Equally, the recollection of events ahead of our period, in particular the country's long wars with the Teutonic Knights, has clearly influenced subsequent judgements. Revisionism of this kind was at work as early as the 1320s, when, in the first Polish depositions of the law-suit at Avignon against the Teutonic Knights, it was argued that the practice of crusading was one alien to Polish society, and, in equal measure abhorrent.⁽²⁾ This viewpoint, which has been stoutly maintained even by modern Polish commentators, is simply not true in the slightest. The 'Wendish' Crusade and the later venture of the Teutonic Knights in Prussia received the joint approval and support of all the Polish princes. Henry secured the approval of his brothers, and their promise of protection, for his foundation in Zagość. It is also unlikely that he proceeded

(1) SA Korwin-Stosunki Polski z Ziemią Świętą, pp 37-57, discusses early Polish crusading links, starting with Mendys's conclusions on Władysław's participation in the Second Crusade. (The evidence for this is a reference to a 'Lechite' prince accompanying Conrad to a meeting with Louis VII in Nicaea in 1147 with a large retinue. There is possible confusion; while Lechite can only mean Polish, only the Czech, also Władysław, could have had a large retinue). A possible Polish participant in the Fourth Crusade is less convincing. Odonic may have gone with Andrew of Hungary in 1217. Some individual crusaders have been identified, particularly by R. Grodecki, (see Korwin loc cit.) A few more suggestions will be made in the course of this work.

(2) This was specious. Łokietek requested a crusading bull against the Tartars to obtain the use of crusading taxes as early as 1324, while Kazimierz obtained crusading taxes for campaigns against the Ruthenians in 1351 and 1355. Housley-The Avignon Papacy and the Crusade p 97 and p 69.

against the Prussians without their support; it is rather more likely that he was pursuing, with their approval and encouragement, a traditional Polish claim to missionary activity in that region, which had descended to the princes in common.

Rather than presenting the appearance of an obscurely motivated mystic, Henry approximates more to the familiar model of the crusading prince - an ambitious younger son, one for whom the prospects in his own country were heavily circumscribed, and crusading expeditions offered the chance of gaining a new principality by his own effort. Henry had encountered the German princes and bishops of the Wendish crusade. He had met Vladislav II of Bohemia on the latter's return from the East. It is scarcely possible to maintain that he proceeded to any of his ventures in innocence or in ignorance.

The original undated document, which bears Henry's name and describes (whether in part or in whole remains to be discussed) his donation in Zagość, was issued to record the establishment of the Hospital in their ownership of the property and was subsequently used by the Order as its original title; this act survives and is among the oldest of original Polish documents. The authorship of a Hospitaller is to be assumed.⁽³⁾

The first matter to require attention is that of the dating of Henry's document and the act of benefaction which it records. Kazimierz Tymieniecki developed arguments, which had earlier been put forward by A.Małeckie and S.Krzyzanowski, to

(3) Undated 1154/5, CDP III No 4 (CG 213; Repertorium pp 69-70 No 62 with the date of 1166); cf the description in Wł. Semkowicz's review of Mon. Pol. Palaeog. in KH 1909, p 397

oppose the dating of the act by its first publishers to coincide with, or slightly predate the year of Henry's Palestine pilgrimage - which took place either in 1154 or in 1155.⁽⁴⁾

The arguments of these commentators are premised on the testamentary character of the act and its internal statement that a period of time had elapsed between Henry's making of a commitment to build a church to St. John in Zagość and the accomplishment of that promise. It is suggested that the promise was necessarily made at the time of the Jerusalem pilgrimage (1154/5), when the duke is assumed first to have come into contact with the Order; the date of the Zagość donation and the document in question would consequently have to be placed in 1166 or in 1167, the year of Henry's final Prussian expedition. Although Małeckie's judgement that the act has a testamentary character, and so was associated with the prince's settling of his affairs before departing on a long journey appears well-founded, his assumption that no previous opportunity for contact between the prince and the Order existed before his pilgrimage of 1154/5 is incorrect.

From a significantly earlier date, Polish society was alert to the preaching of the Second Crusade, as the invitation of Peter Wlast and the bishop of Wrocław to St. Bernard to visit Poland demonstrates.⁽⁵⁾ Hospital officials from Outremer were associated with the appeal in Europe; it would also appear that the European representatives of the Order took an interest in the

(4) Tymieniecki-Majątkowość książęca w Zagościu pp 340-2, rehearses these arguments, cf Repertorium loc cit.

(5) Małczyński's commentary in KDS1. No 17

offshoot of that appeal which produced the 'Wendish' Crusade; the benefaction of the two German princes to the Hospital suggests strongly that their association with the Order was formed in this context: still more does the adoption of the banner of the Hospitallers by Waldemar of Denmark, a Baltic prince who did not venture to the East, indicate the influence and presence of the Order in the region, in spite of possessing no German houses outside the Rhineland at this date.⁽⁶⁾ Following the disappointment of the 'Wendish' expedition itself, a vow to build and maintain a Hospitaller church is a credible concomitant to whatever renewal of their oaths brought three of the princes to Jerusalem.

A second opportunity for Henry's contact with the Hospital occurred, when Vladislav II of Bohemia returned from Outremer and passed through Kraków, accompanied by a Hospitaller. Henry must have either learned then of Vladislav's association with the Order, or at the very least received information about his project for the endowment of the Hospital in the Czech lands. The appearance of Vladislav in Kraków also offers a plausible occasion for contact between the enthusiastic Henry and Vladislav's Hospital official, whose particular task was the securing of donations for the benefit of his order. In this way it can be shown that at least two credible opportunities for Henry to make a formal undertaking to build a church, dedicated to St. John the Baptist, in Zagość existed before Henry's own visit to Jerusalem.

It is now appropriate to attempt to relate the comments of the three Polish historians to the instrument of

(6) Christiansen-The Northern Crusades p62

donation itself and attempt to discover what information on the process of donation is afforded by the text of the act.

Henry's promise is recorded in his document in the following terms:

"For although I undertook formerly/long ago (*iamdudum*) to build a church to the glory of God and honour of St. John the Baptist in one of the places named above, nonetheless, since I was absorbed by the vanities of this world, while I might have done it being a sinner I did not; so now I add the beaver-lodges of Malogost and of Kire for the purpose of fulfilling this vow."⁽⁷⁾

An assessment of the length of the interval to which '*iamdudum*' alludes would appear to be necessary. On the sequence of events which the three Polish historians suggest, and have won acceptance for (Z. Kozłowska Budkowa gives the date of 1166 as certain), the interval between the promise and its redemption is one of eleven or twelve years. Tymieniecki, at least, considers that a matter for additional comment, and suggests that the prince may have repented of his initial enthusiasm and was only moved to act upon his promise when making final testamentary provisions.⁽⁸⁾ This explanation covers an awkwardness at the expense of credibility.

It can be argued too that this explanation involves too ready acceptance at face value of the formal expression of self-reproach in the act, which is necessarily expressed in such terms, and need not reflect an actual situation of long neglect. Further consideration of the provisions of the act confirm the impression that no genuine self-reproach for actual neglect is

(7) ODP III No. 4

(8) Tymieniecki, loc cit. develops the argument for a testamentary provision. 'Comparable' instances op cit 341n are in fact 'conditional' donations. It is hard to argue that the case of Zagość is an identical instance.

intended. The phrase has reference to the single matter of the building of the church and is connected with the specific provision being made in the act for the completion of that task. This provision is contained alongside a much more extensive re-assignment of property, some of which had already been transferred. The prince had not been indolent by any means and at the time of issue of the act the process of collation was well underway. Furthermore, once the nature of the provision for the Order made in the act is made explicit - a task to which Tymieniecki himself has devoted great effort - the view that this was a hasty or a grudging discharge of an obligation seems barely tenable.

When other early benefactions to the Hospital are compared, the usual procedure was that a project of endowment would be completed by the Order taking possession of the church at the core of the property. The process of collation of property preceding the transfer was the responsibility of the prince or his servants appointed for the task: accordingly the duke's reproach may be read as directed against himself for not having completed the whole process of collation. It need not, and should not, be taken to imply that he had not worked on it at all. Two comparisons with other foundations establish the point. There was a gap of some years after Vladislav's return in 1147 - with an accompanying official and a clear commitment - before the dedication of the Order's church in Prague. An interval of either five or ten years, depending on whether his undertaking to build a church was made at the conclusion of the Wendish Crusade or during his pilgrimage to Jerusalem, may be postulated for Albert the Bear's

transfer of the church in Werben, which took place in 1160.⁽⁹⁾

It seems clear, nonetheless, that at the time when the Zagość act was issued Henry of Sandomierz had not reached an advanced stage either in making the collation of property or in the construction of the church; the phrase, "in one of the places mentioned above", in fact suggests hardly any progress in the task of construction. Tymieniecki's suggestion that the project had been neglected is rendered implausible by the vastly generous character of the eventual endowment and evidence in the text for the earlier collation of property. Therefore the alternative explanation must be accepted - that the interval between the promise and its redemption was not as long as the eleven years suggested.

In conclusion, once it is accepted that a choice of two dates, 1154/5 and 1166/7, exists for the issue of Henry's document, the later date must be held to be at the very least the less likely. One further reason for choosing the earlier date will be outlined next.

Henry's completed donation - as Tymieniecki has eminently demonstrated - involved direct alienation from the prince's patrimony and the effective, eventual substitution of the Order for the prince as lord of Zagość. Such a procedure was very rare - indeed, it would be hard to produce a comparable instance. Generally, a different expedient was preferred. Mieszko, Henry's brother, for his own benefaction to the Order

(9) See above, pp 30/38. Albert's transfer of the church in Werben: (undated) 1160, CG 289.

made over a hospital foundation in Poznań which he had previously established, thus obviating the need for additional work of collation. The three comital families who established the Order in their earliest Silesian houses allowed, and provided for, the development of the Order's secular lordship alongside their own without making extensive alienation from their own demesne.

Henry's total donation, as it appears from a joint reading of his document and Kazimierz's confirmation, comprised (i) villas within the Zagość estate as its boundaries had been marked out by Count Peter and (ii) the serving-population on these villas (with some adjustment and appropriate compensation) including artisans and specialists. Part of the unique value of this documentary survival lies in the detailed description of the latter. Inconsistency in the two descriptions of the property has been regarded hitherto either as a puzzle or a peg on which to hang an argument for the falsification of one or both documents. A further interpretation reconciling the two texts is nonetheless available once the earlier date for Henry's document has been accepted, for it is then open to question whether Henry in fact transferred the whole estate through that single act.

Henry's document lists two villas, "Zagost and Boreszovie (Wlaszow)", while Kazimierz's act refers to the donation of the whole land of Zagość, containing four villas.⁽¹⁰⁾

(10) "terram quae dicitur Zagost totam integraliter villas scilicet quatuor cum omni circuitione, sicuti Comes Petrus Magnus eam circumivit." (Kazimierz's confirmation, CDP III pp 8-9 No VI). Cf "villas duas quarum una Zagost vocatur et alia Boreszovie et alio nomine Wlaszow cum LX bubus et X equis, et cum aratoribus do...Do etiam in Zagost iumenta L cum V emissariis, servos quoque etc." (Henry's act CDP III 4ff No IV) I do not intend to consider whether this difference of formulation is indicative of falsification. Cf Repertorium p 69, for Kozłowska-Buckowa's dismissal of the German writer, Seidel.

The solution of the discrepancy is surely that Kazimierz, in confirming Henry's donations, confirmed the total collation made for the benefit of the Hospital by his brother. Therefore one may deduce that Henry made donations subsequent to those recorded in his own document, just as he had made some earlier unrecorded provisions which his document confirmed.

In conclusion, the endowment of the Hospital in Zagość was accomplished in at least two stages, of which the document of Prince Henry summarises the first; the promise referred to in this act was made either about the time of the preaching of the Second Crusade, or at the conclusion of the Wendish expedition. Henry's document, bearing a testamentary character, was drawn up as part of the preparations for his Jerusalem pilgrimage and its provisions, which provided the initial endowment and support for the church there, established the Order in possession of two villas from the estate.

The transfer of the residue is necessarily conjectural since it can only be inferred from the comparison of the two earliest documents. However, the transfer of the entire estate is more credible as an actual rather than as a prospective testamentary bequest, so it is probable that this final transfer, involving the whole estate, was made before the final expedition of Henry's life against the Prussians and put into effect following his death.

(3) The Liberties of Zagość

The argument of the preceding section also supplies a motive or occasion for the issue of Kazimierz's document - the confirmation of Henry's second donation - which might otherwise be difficult to supply, since, if its purpose was simply that of confirming the provisions of Henry's act in identical terms to those of Henry's own privilege, then that purpose had already been served by the written record of Kazimierz's consent and promise of protection along with that of the two older brothers, Bolesław and Mieszko in Henry's document. It is more likely that Kazimierz's confirmation was intended to cover additional donations made by Henry after 1154/5 than simply to provide an additional documentary record.

In addition to the question of the date of transfer and the two stages of donation, which it has been suggested were involved, an additional topic which deserves detailed consideration is that of the terms on which the estate, once transferred, was held, that is to say the character of the Hospital's lordship in Zagość. Lordship, or the franchise of lordship, which might also be characterised as 'immunity' or 'liberty' is a subject which has been widely covered. If one were to seek a microcosm for testing some at least of the theories surrounding this concept, then the differences in formulation between the five surviving Zagość acts which allude to the particular privileged status of lordship to be enjoyed by the Hospital as owners of the

estate offer considerable scope for commentary.

The first point to be considered is whether the texts in their existing form are acceptable. Here, the differences of expression between them actually speak in their favour; for, while the confirmation of 1244 uses formulations consistent with its period, the language of the two earlier documents reflects the fact of their issue at a time when no consistent formulation was prevalent; so, naturally, the language in which the grant of immunity was expressed differs between the three. This is not to deny that there are instances, indeed some will be considered later, - where interpolation in the Hospital's documents can be demonstrated: either on palaeographic grounds, or through the presence of grossly anachronistic language and descriptions. This is not the case, however, with the Zagość documents. At the same time, it is necessary to guard against an overelaborate exegesis of the formulae conveying 'immunity' in the earlier acts. It should always be remembered that these are among the oldest Polish administrative documents which predate the existence of ducal chanceries and a standard official language of government.

Some commentaries, heedless of the obvious warning to be taken from this circumstance, postulate a series of individually-tailored concessions of 'immunity', with each privileged property enjoying a particular status of exemption from some obligations and not others and with individual 'immunities' differing from each other as well as from the general customs observed where no written privilege had been granted. Common sense suggests that it is more appropriate to use the fragmentary record of the earlier period as a guide to the general situation

and common practice employed, rather than to assume that the purpose of the issue of privileges was to record a hotch-potch of individual 'immunities' and that those granted under written record were different from those which obtained without it. To suggest further that 'immunity' was only conveyed through written record goes against reason - it can in any case be readily refuted - but many commentators appear either to approach such a position or proceed with this as an unspoken assumption.

The "liberty" or 'immunity' of the Hospitallers in Henry's act is given straightforward expression - the Hospitallers are to hold the property under the same terms (*ea libertate*) as the prince had himself. In addition:

"I ask my brothers, that is, my elder brothers Bolesław and Mieszko and my younger brother Kazimierz as well as all their posterity and most solemnly charge them, to maintain my gift to the Hospital in the same liberty that I have given for the remission of their sins: nor should anyone, within the limits that Peter Bozenowiz has set by my orders, seek to make any legal exaction, nor should the men of this place be subject to any Polish jurisdiction, saving the service they owe to the brothers of the Hospital (*ne videlicet infra terminos quos ibidem me iubente posuit Petrus Bozenowiz aliquis quicquam iniuriae inferre queat et eiusdem loci homines nulli iurisdictioni Polonicae subiaceant excepto servitio quo fratribus Hospitalis tenebuntur.*)" (11)

What precisely should this be taken to mean? In the case of Zagość, in contrast to many other cases where one might like to know the situation which lay behind a recorded grant of 'immunity', the make-up of the estate and its constituent parts are known both at this date and in the future. This act contains no reference to colonisation, or new settlement, or the creation of an autonomous German peasant community. Neither in 1154/5, nor

subsequently, are the phrases 'location', 'colonisation' or 'German law' applied to the Hospitallers' Zagość estate. Yet the telling phrase "*nulli iurisdictioni Polonicae subiaceant*" occurs in this document, and is applied in such a way that the meaning for the issuer and contemporary reader of the document may be held to have been unambiguous.

But why should the peasant population of the estate of a Polish prince, among whom lived and worked, as Tymieniecki has shown, Italian as well as Polish cultivators, cattlemen and artisans, be exempted from the processes of Polish law? For many German and Polish writers it has been an automatic assumption that the force of concessions of 'immunity', especially those given in the form of a grant of 'German law' was to establish a form of extra-territorial jurisdiction for the benefit of German colonists. However, the purpose of granting a 'liberty', it may be confidently asserted, was not to create islands of exemption from Polish authority for free Germans, as if the Polish princes of the 12th and 13th centuries appreciated the unnaturalness perceived by German historians of some six centuries later in the subjection of German peasants to Slav princes: rather such grants were intended to create the benefits of a judicial and economic franchise for the owner of the property. Such concessions, necessarily made by the holder of sovereign authority, in specifying that the inhabitants of the property should be exempt from Polish jurisdiction were initially expressed through reference to the jurisdiction of the princely authority represented by the ducal officials, the castellans. In Henry's case, with no knowledge of how his principality might in future be

governed, - hence the promise of support from all three brothers who might succeed him, although Kazimierz was his intended heir - no term could be more appropriate than 'iurisdictio polonica'. In this way Henry's own case illustrates the point clearly, although the phrase was, in fact, in general use throughout our period.

It is no quibble to insist upon accuracy in rendering the significance of this particular phrase - without the necessary understanding on this point conclusions of any kind are impossible. The accompanying prohibition of any 'iniuria' is naturally to be understood as referring to the loss of revenue through failure to respect the Order's judicial franchise: this seems beyond argument, - the semantic content of the term is hardly open to dispute, - and it would be ludicrous to substitute the instantly recognisable English word 'injury' in its most common contemporary English meaning. Regrettably, far too much has been too readily recognised in the language of Polish administrative documents of the early Middle Ages. It is equally unfortunate that the refutation of error requires more space than its perpetuation. The myth of free German peasants as the builders of civilisation in the East is very deeply-rooted.

One aim of the following pages will be the reinforcement of the point introduced here - that in concessions of 'immunity' and indeed of 'German law' one has to do with the concession of the franchise appropriate to lordship; it is hoped, however, that a consistent argument on this point will be maintained with minimal obtrusion of this topic upon consideration of others which deserve to be discussed.

Questions of judicial and economic 'immunity', the preferred description of Polish historians for the processes and the benefits involved in the creation of franchisal liberties (which were most usually conveyed through the removal of the demesne estates of church institutions from specified exactions of ducal officials), have inspired a separate literature.⁽¹²⁾ If the social and economic implications of these developments are not of the kind claimed by those who have set themselves the task of describing the Germanisation of the East, they are nonetheless significant.

It was for a long time generally supposed that such franchises were created only on church properties: R. Grodecki has demonstrated beyond doubt through interpretation of the statute issued by Kazimierz the Just at Łęczyca that franchises, at least in the exemption from the princely exaction called 'powoz', applied also to the demesne estates of great lords.⁽¹³⁾ To prove this much was a considerable feat, since the information available, mostly bearing on the period before 1220 - after which date the more usual form of concession of franchise was a grant of 'German law'⁽¹⁴⁾ - almost exclusively derives from documents issued for the benefit of religious institutions.

(12) Two general analytical surveys of grants of immunity exist: J. Matuszewski-Immunitet ekonomiczny, and Z. Kaczmarczyk-Immunitet sądowy. Kaczmarczyk's progressive model postulates three notional stages, which might be summarised thus: firstly, under grants of 'immunity' the concession of judicial revenues: secondly, associated with grants of German law, and sometimes specified in such grants, the concession of jurisdiction with a share of revenues: finally, on large estates, the exercise of full private jurisdiction. The recognition of this dynamic in the Hospitaller documents is at times tortuous.

(13) R. Grodecki-Statut Łęczycki. *passim*. in his 'Polska Piastowska', which also contains a useful summary of earlier opinions. See also, his Początki immunitetu w Polsce (book-there is an article with the same title).

(14) This is Kaczmarczyk's eventual, important conclusion.

The considerable variation in the language of documents which granted judicial or economic exemptions has caused the view to be promoted that the establishment of franchises involved some form of progressive concession. It may simply be the case, though, that an exhaustive and appropriate listing of the individual components of a franchise was only gradually evolved for the purposes of record. The alternative is to accept the existence of an impossibly wide variety of individual franchises and the regular updating of privileges to include new concessions. On balance it seems more plausible that a standard judicial and economic franchise applied to the estates of great lords, secular and ecclesiastical, and that church institutions receiving new estates shared these privileges and did not institute them. The appearance of progressive development in the terms of franchise is more likely to reflect changes in administrative language and practice.

Three of the Zagość texts which are available for comparison allow the alternative theories of once for all concession and progressive development of the franchise to be tested simultaneously. Henry's provision for the franchise was simple, - "ea libertate", - the same terms as those obtaining when he held the estate. It is probable that Kazimierz's confirmation uses more specific language to specify the same concession:

"So I, Kazimierz, the heir and possessor of my brother's goods... grant (concedo) all the above properties, which he donated to the Hospital of St. John, to it for its perpetual possession...and additionally provide, for all the men of St. John the liberty of all tribute and service which, by Polish custom, the countrymen are liable to pay: and so they are not to pay market tribute (ne solvant tributum in foro), nor receive guests (ne

hospites ducant vel pascant), nor entertain the falconers and hunters with dogs, nor go out on expeditions (ne in expeditionem vadant), nor give service or payment for fortifications (ne ad opus castri seruiant siue soluant), nor make payment on cattle (ne post boues soluant)."(15)

It has to be admitted that if one chooses to treat these provisions or some of them as newly conceded by Kazimierz, this offers infinite scope for hair-splitting. In order to avoid generating an unjustifiably elaborate structure of analysis the working hypothesis will now be adopted, anticipating its proof which will be given shortly, that Kazimierz's confirmation was just that - a confirmation in more explicit terms of Henry's grant of franchise and that Kazimierz's act no less than Henry's in granting 'immunity' had reference to an established body of custom, under which certain estates, namely the demesne properties of lords of the first rank, were equally and systematically exempted.

Some explanation of the cause of the great variety in listings of the component elements of a grant of 'immunity' in the earlier period might reasonably be demanded at this stage by a proponent of piecemeal evolution of franchises. What most probably occurred was a dual process in which the standardisation of administrative language was matched by the evolution of generic names to cover exactions within certain categories reflecting the conversion of payments originally made in labour or in kind to money-payments with a specific and standard cash value. The formulae granting franchises (or the enjoyment of princely rights and revenues on a lord's demesne estate) increasingly summarised these concessions under distinctive headings,

with the services owed to the prince's officials listed under names reflecting their origins: 'powod' and 'powoz' for carrying or cartage, 'stroza' for a form of military service, and 'targowe' to cover market dues. It hardly seems necessary to add that the beneficiary of these concessions was the lord, who would levy the dues within his lordship on his own account. At a later date the character of a franchise as a privilege conveying the right to make such impropriation might be specified in the language of the grant. In Henry's act it is indicated by the phrase: "excepto servitio quo fratribus Hospitalis tenebuntur."

The Zagość estate offers in total four documents describing the concession of a 'liberty' for the further comparison that we require. Tymieniecki's analysis identifies several differences between the two original documents - those of Henry and Kazimierz - and the two confirmations, that of Bolesław the Chaste from 1244, and that of Łokietek from 1317. To summarise his analysis on this point, the exemptions found in the listing of Bolesław's confirmation of 1244 which appear to be additional to those contained in Kazimierz's concession are: exemption from 'powoz', the payment of 'stroza' and the reception of the duke's beaver-hunters. The freedom from paying market tribute, which is made in the act of Kazimierz, does not appear in the summarising act of 1244, yet it is repeated in the confirmation of 1317. (This is taken by Tymieniecki to be a simple omission).⁽¹⁶⁾

(16) Tymieniecki op cit p 337. Bolesław's act, 30 May 1244 is published in ODP III 45ff No 23 (from original), (CG 2325, from Smitner's copy); Władysław Łokietek's act, ODP II 567, confirms Bolesław's provisions.

Since Boleslaw's act has as its aim the confirmation of old privileges, Tymieniecki suggests that the discrepancies between the listings in Kazmierz's and Boleslaw's documents form the substance of new concessions previously made in an act of Leszek the White, the text of which does not survive.⁽¹⁷⁾

This conclusion is convenient but not certain. The freedom from military service in Kazimierz's act and from the payment of 'stroza' in Boleslaw's may refer to the same privilege and reflect the conversion in the meantime of a obligation liable to be performed into a money payment. The same situation could conceivably cover the apparently new concession of 'powoz', with the obligations to assist a number of named officials which had probably already fallen into desuetude at the time of the earlier act - having been routinely subsumed in standard administrative language into the 'powoz' payment by the later date.

In short, it is the absence of Leszek's document which allows a progressive scheme of concession to be postulated. Against such a scheme, the grant of 'powoz' and 'stroza' under whatever names as components of a franchise was surely usual; it is an interesting question whether a grant of immunity specifically excluding these could be adduced. Nor should it be forgotten that Henry had granted the same franchise as he himself enjoyed upon the estate, which may be assumed to have been complete according to the customs of the time.

(17) Tymieniecki loc cit. The existence of some privilege issued by Leszek is known from the reference in the confirmation of 1244. Interestingly, a grant of immunity on the Hospital's Kujawan property is also known to have been made by Leszek, without, however, any written record of it having survived. See below, pp 135-6; Kaczmarczyk, op cit p 183, rightly stresses that Tymieniecki's speculation on its contents is just that, but appears to accept it nonetheless.

In conclusion, it seems less likely that the customary scope of exemption from princely exactions was progressively developed, than that an administrative shorthand came into being, so that the concession of 'powoz', 'powod' and 'stroza' conveyed a general exemption, before this formulation in turn gave way to that of a grant of 'German law', which itself implied the concession of a standard economic and judicial franchise.

Tymieniecki was possibly also influenced towards the conclusion that a more favourable concession or statement of the Hospital's liberty was to be found in the lost act of Leszek the White by the fact that, in the presentation of the Hospital's old privileges at Chroberz in 1244 to Bolesław for his confirmation, the document of Kazimierz was not presented, while those of Henry and Leszek were. From this the inference might readily, if mistakenly, be drawn that among the differing descriptions of concessions of economic 'immunity' that of Leszek conveyed a more favourable status. This would hardly explain the choice of Henry's act over that of Kazimierz, however.

The reason for the preference might more appropriately be sought in the bald, but absolute, statement contained in Henry's document that the men of the Hospital were to be subject to "no Polish jurisdiction". Here one has to deal with the second, judicial element of the Order's franchise. Kazimierz's act makes no reference to judicial immunity. Bolesław's act, by contrast, concedes what might be called a complete 'judicial immunity', stating: "The men, if summoned, shall appear before no

one except their lords." (18) It will be seen subsequently that it was usual for the Polish princes, in creating jurisdictional franchises, to make two reservations: firstly that a third share of the profits of justice should be theirs; secondly that the men of the franchise might be summoned under the ducal seal. In two rare instances in Silesia, which will be considered later, the Hospital did achieve two complete 'judicial immunities', but only on properties where they held the principal lordship - as they did in Zagość from the time of Henry's final donation when the Order replaced him as overlord.

If, as suggested earlier, the donation was accomplished in two stages, of which Henry's document records only the first, the Hospital's entitlement to a complete 'judicial immunity' may have been open to question before Bolesław's confirmation. That this was obtained in 1244 has an additional significance since the date coincides with their receiving documents recording the full 'immunity' on their two Silesian estates in 1238 and 1240. (19)

The force of Bolesław's act was to accept and confirm the absolute nature of Henry's grant - quite possibly against usual practice. Since the provisions of Kazimierz's act in no way

(18) Kaczmarczyk, loc cit. recognises the unusual scope of this concession of judicial franchise in 1244, although his general position would be against it having been exercised earlier: op cit pp 182, he offers the judgement that the phrase 'iurisdictio Polonica' applied to a concession of immunity, "nie oznacza uprawnień sądowych, lecz w ogóle uprawnienia immunitetowe i to w tym wypadku, skarbowe", effectively arguing that the earlier concession was of the profits of justice, while the later conveyed jurisdiction in the full sense. Kaczmarczyk further suggests, ibid. that Łokietek's grant of German law to 2 additional properties in 1317 brought them within the scope of the Hospital's private jurisdiction.

(19) See below pp 194-5 Notes 82/3 and 247ff especially Note 213

supported this claim and did not mention any 'judicial immunity' among its detailed provisions, this seems a far more plausible basis for the failure to present the act of Kazimierz in 1244 than conjectured differences between the two acts of Kazimierz and Leszek.

One additional specific claim to exemption or to privileged treatment made by the Hospital deserves to be considered, and may reinforce the impression that Bolesław the Chaste was willing to make certain exemptions for the Order beyond those which were customary.

Bolesław's second privilege for the Order, given in 1257, specifies that:

"their conveyance of salt and of other victuals sufficient for their cooking, shall be free from any exaction or any treasury (i.e. customs) payment, and is to be freely transported through all our dominion." (20)

The claim of the Military Orders to exemption from customs duties on goods transported for the purpose of their crusading activity rested on more general papal privileges. Such an exemption is understandable in the context of the crusade, and consistent with measures promoted by the papacy to support crusading enterprise. However, in the south of France, such exemptions had been converted into substantial trading privileges. (21) The Hospitallers may have hoped to achieve similar advantages from this concession, which is similar to one they had already received for their Wielkopolskan possessions; the

(20) ODP III 76ff No 35

(21) Prutz-Die geistlichen Ritterordern pp 153-4

Templars received a similarly worded privilege from the prince of Szczecin-Pomerania. However, such privileges would not appear to have been conceded in Silesia.

The final question to be addressed concerns the development of the property in terms of the foundation of new settlements on the estate. There were probably, initially, two of these, the vills of Janina and Januszowie, which are first mentioned in the 1244 act in apparent distinction from other vills the listing of which concludes: "and others whose names are to be found in the old privileges." 22)

It is self-evident that the ordinary processes of economic development involved the creation of some new properties. Consideration of the appearance of these two new properties among the Order's Zagość holdings, whether they were planted by the Hospitallers or acquired in some other way, simply does not permit the conclusion to be drawn that the motive or purpose behind the concession of immunity or franchise which the Order received was the facilitation of colonising activity yet this is axiomatic in the works of the 'Germanisers'. It has frequently been argued that religious orders played a particular role in the creation of new settlements⁽²³⁾; on occasion, the first documentary

(22) CDP III No 23. It is possible that the two vills granted German law in 1317 were acquired or planted between 1244 and the latter date. Kaczmarczyk, loc cit. writes rather airily of other demesne vills not covered by the jurisdiction which he postulates without naming them. Grodecki-Studya, makes some important identifications of the ownership of neighbouring properties which supports the view that vills in other ownership existed within the territory of Zagość.

23) F. Winter-Die Zisterzienser, set the trend. The connection between donations to religious orders and the creation of new settlement, conceived in these terms, has only ever been asserted, and never sustained by appropriate analytical work.

mention of any new property, more particularly if there is a grant of immunity or of 'German law' becomes grist to that particular mill: some writers reach a position where the entry of all properties into written record is interpreted as revealing the advance of Germanisation.

It is probably more appropriate to attempt to assess the activity of particular religious orders as creators of new settlements by comparing the genuine appearance of such planted or resettled properties with the endowment originally received. In the case of Zagość, it would appear safe to state that the largest part of the wealth and property held by the Order was transferred as part of the original endowment in Prince Henry's two donations. The economic interests inherited from Henry in Zagosc were considerable, as the provisions in his act for the specialist craftsmen of the estate to remain in their occupations demonstrates.⁽²⁴⁾

As Tymieniecki has pointed out, the reference to old privileges is, at best, an ambiguous indication of the existence of privileges additional to the two surviving and one missing documents, which can be proved to have existed in the 12th century.⁽²⁵⁾ However, it is not necessary to assume that every donation became the subject of documentary record; indeed this

(24) Tymieniecki op cit pp 420-1, concludes his discussion of the specialist artisans by considering the vine-dressers and goldsmiths (reading 'aurifices' rather than 'artifices' (which is in ODP), resident on the estate under Henry's rule and remaining after the transfer.

(25) op cit p 340, Tymieniecki is inclined to seek an explanation, if one is needed, in the discrepancy between the 4 vills of Kazimierz's act against the 2 vills of Henry's. Thus the 'old privileges' phrase could apply to the act of Kazimierz which was not presented in 1244.

was manifestly not the case. It is only necessary for the "fratres de Zagost" who solicited the act of 1244 to have had knowledge of the existence of Kazimierz's document, which they were not called upon to present, but not of its contents, for the reference to other old privileges to become understandable.

Even if the set of original documents is not complete - at least one, Leszek's is missing - it would seem that it is nearly so. Where it is possible, in the case of other Hospitaller properties, to demonstrate substantial completeness in the archival holding, the number of original acts from the twelfth and thirteenth centuries is not substantially larger. Access to documentation, which might yield further information on the earlier period, resulting from more extensive recording practices in the fourteenth century is excluded in the case of Zagość by the house's confiscation during the reign of Władysław Łokietek.

The "brothers of Zagość" who are mentioned in the act of 1244 are the only Hospitallers to be directly indicated in documentary sources, and little is known about the character of the foundation. Nonetheless the indispensable element for the constitution of a Hospitaller house, possession of a church, was present: the reference in Henry's original act was sufficient to secure title to its ownership.⁽²⁶⁾

(26) The possession of impropriated tithe contingent on ownership of the parish can be inferred from an act of 25 March 1248 KDMp No 30, under which Bishop Prandota confirmed the exchange of a property of the Order near Koprzywnica for unspecified interests (which must have been residual tithe-rights pertaining to his prebend) owned by the Dean of Sandomierz ("cum idem decanus quasdam res sue decanie pertinentes prope Zagost in Vislicensi districtu haberet." E. Wiśniowski-Prepozytura Wiślicka appears prepared to accept, as the Liber Beneficiorum of Długosz has it, that the Zagość parish as later constituted was as it had been under Hospitaller ownership.

(4) Jaksa of Miechów and the Canons of the Holy Sepulchre.

Jaksa of Miechów, a Małopolskan noble who made a pilgrimage to Jerusalem in 1162, also became the sponsor of another crusading order in Poland, that of the canons of the Holy Sepulchre.

The original community that was planted in Miechów as a result of this contact evolved into a separate religious order with many dependent houses in Poland as well as in neighbouring countries. The filiate houses of the Miechów congregation discharged the functions of a hospital order, constituting the Polish equivalent of the Order of the Holy Ghost in Germany, or the Knights of the Red Star in the Czech lands.⁽²⁷⁾

The canons of the Holy Sepulchre in Jerusalem, as possessors of the holiest shrine in Christendom, the ostensible objective of the First Crusade itself, were successful in attracting early benefaction from European supporters of the Crusade - above all in Spain. Some benefactions made to the Hospital also made mention of the Holy Sepulchre⁽²⁸⁾; such a juxtaposition of the Hospital and the Holy Sepulchre in the invocation also occurs in several early documents for the Hospital in Poland. However, the Hospital showed more energy in

(27) There is no modern analytical study of the Order. A useful collation of early information is provided in the work of Z. Peckowski, from whom I have taken all unattributed details in this section. The early documents of the Miechowites are also well represented in published collections, on account of the activity of their early historian, Nakielski.

(28) Riley-Smith-The Knights of St. John p40; such references occur in 10 of the first 50 acts in CG (ibid.)

the cultivation of European contacts; in the negotiations to compound a settlement following the provisions of the testament of King Alfonso of Aragon, under which the Hospital, the Temple, and the Canons of the Holy Sepulchre were named joint-heirs, and were each to receive a share of a third of the kingdom, the interest of the canons was represented by a Hospital official.⁽²⁹⁾

Although the canons remained a significant element in the Latin settlement, they did not maintain a high profile or promote themselves energetically in Europe. Alfonso of Aragon contemplated joining their prestige to the creation of a crusading order, but to little effect.⁽³⁰⁾ Nonetheless individual contacts with visiting crusaders continued to produce isolated gifts of churches abroad, one such being made in Cambridge.⁽³¹⁾ It would not have been unusual for the Patriarch and canons to have received a request for the dedication of a church under terms of association in his home country from the Polish pilgrim, Jaksa, or to have granted such a request.

Whatever the scale of his original intentions, the response to Jaksa's project within Polish society was striking. Poland had already been opened to the influence of the crusading movement through participation in the Wendish crusade and Prince Henry's pilgrimage (separate traditions, neither of which can be substantiated, assign two previous visits to Jerusalem to Jaksa - in 1147 and in 1153, the latter, presumably, would have been undertaken as a companion of Henry of Sandomierz, 1153 being a

(29) Forey-The Templars in the Corona de Aragon pp 20-1 and Note 32

(30) Prutz-Die geistlichen Ritterorden p 72

(31) Tyerman-England and the Crusades p 32

variant and incorrect date for the prince's pilgrimage). The contacts with the Hospital outlined in the previous chapter almost certainly predated Jaksa's crusading interest; accordingly, Jaksa's sponsorship of the canons of the Holy Sepulchre and the far broader societal response which was achieved on their behalf is a matter of some interest. While it might be argued that the endowment of Henry's Zagość house shows little interest in Polish society as a whole for the crusade, the true measure should rather be taken from the early support for Miechów, which was extensive. The dominance of Henry's interest in the Zagość endowment, as well as the speed with which the dotation was provided may not have allowed the foundation to take full measure of potential benefaction.

In the case of Miechów, too, the normal processes of dotation which Henry was compelled, perhaps through the pressure of time, to suspend are more clearly observable. The start of the process should be placed at the time of Jaksa's pilgrimage of 1162. The church in Miechow is reported to have been dedicated by bishop Gedka of Krakow in c.1170.

The grant of some privileges consistent with the establishment of new lordships occur in the period before an important exchange of letters with the Patriarch Monomachus, of which the Patriarch's reply listing the benefactors of the Order from 1198 survives in two versions.⁽³²⁾ By this date the core

(32) The two texts, CDMp II 376 (from Nakielski's Miechovia), and CDMp II 375 (Kraków original). Discussion of these in Repertorium pp 132-4 No 143 and pp 135-6 No 144. See also Nos. 112/113/135 where the existence of earlier documentary record of acts is inferred from these documents. In addition, Repertorium No 88 is inferred from a later papal bull, and No 70 from a privilege of Henry the Bearded.

endowment in Miechów may be held to have been complete; the Order's property remained largely confined to the Małopolskan province.

From around 1226 the Order was able to attract new benefaction further afield by discharging a specialised hospital role.⁽³³⁾ Eventually, the Miechowites became the Polish national hospital order. For a brief period they may have considered themselves engaged in competition with the Military Orders, which were, in theory at any rate, also hospital orders themselves; but, in practice, the Hospital, the Temple, and the Teutonic Knights were only willing to take over existing hospital or hospice foundations in Europe if it suited their purpose to do so: and their few appearances as recipients suggest that they were not at all keen to assume a general hospital role.⁽³⁴⁾ An additional motive can be attributed to every such acceptance; for all recorded instances were of the kind to give entry to a particular region where the Order in question had previously held no property.

The proliferation of the bona fide hospital orders (in Poland of the Miechowites) and their final near-exclusive discharge of hospital responsibilities tells its own story: a particular illustration of the point may be found in the fact

(33) The Silesian hospital foundation of Nysa was confirmed on 11 January 1226 (KDSI 314/5), although there had been some earlier benefaction. A series of Mazovian acts from 1227 (DKM p 259 No 245, p 263 No 248 and p 260 No 249) mark the start of hospital responsibilities and the expansion of property in that region. The Miechowites' ownership of property under terms of franchise in Wielkopolska and Mazovia was already of long-standing, as shown by Conrad's privilege of 1243 confirming earlier grants by Mieszko the Old and Bolesław the Curly. (DKM p 520 No 434)

(34) Reicke-Das deutsche Spital loc cit

that the Temple relinquished their hospital foundation in Gniezno to the Miechowites within twenty years of acquiring it.(35)

It is important nonetheless to stress that the original endowment and establishment of the Order of the Canons of the Holy Sepulchre in Miechów was secured by their position as a crusading order - a religious congregation to be identified with the task of the crusade. This definable status can be established by their exemption alongside the military orders from the payment of papal crusading taxes.(36) In their ownership of property outside Poland they enjoyed the status of an international exempt order, which their ability to represent themselves as a crusading order most likely facilitated.(37)

The growth in Poland and outside it of the filiate houses of Miechów represents a rare success for the canons of the Holy Sepulchre in establishing a European provincial organisation. The later autonomous national organisation of the Miechowites under the Prior of Miechów is the first Polish religious order.(38)

(35) 10 May 1253, KDw VI pp 14-15 No 10 Przemysław's confirmation of the property assembled for the dotation of the Miechowites in Gniezno is headed by the Gniezno hospital. The act suggests the recent completion of the collation of property, but the hospital may have been the first property transferred.

(36) Pęckowski, op cit. 5/1 Nn 257/8: 2 bulls of Innocent IV (1249) and Alexander IV (1256) (ODMp II, Nos. 9 & 12) convey the Order's exemption from contributions to the Holy Land.

(37) ODSlovak. (undated) 284, a donation of Andrew II of Hungary "fratribus sancti Sepulchri de Polonia". Also

(38) Szczesniak-The Knights of St. John in Poland p 15
Szczesniak indicates that the bull of 1489 ordering the incorporation of the Miechowites into the Order of St. John was not put into effect; that the Hospital sought to absorb them is an indication of the general revival of interest in performing hospital tasks on the part of the order of St. John in the 15th century.

Mieszko the Old was the third and longest-lived of the sons of Bolesław the Sneerer; yet his prosecution of the role of senior prince was not especially vigorous, and in his last years the rank of senior was conceded, first to his youngest brother, Kazimierz of Małopolska, then, perhaps more reluctantly to Kazimierz's son, Leszek the White. Mieszko's achievement was, as third son, to secure the integrity and independence of his share of his father's patrimony in Wielkopolska. The mark of his success was the ability of his successors in the duchy, his son Władysław Spindleshanks (Łaskonogi) and grandson Władysław, called Odonic, to pursue their protracted struggle for power.

Wielkopolska, alone of the 'dzielnice', did not undergo attachment to any of its neighbours during the period of divided rule until, after the death of Przemysław II, Władysław Łokietek claimed it as Polish monarch. Yet Wielkopolska, if mostly aloof, also possessed in the metropolitan see of Gniezno one key element for the reconstitution of the Polish kingdom and a counter to Małopolska's ancient capital of Kraków.

It was the archbishop of Gniezno, Jakub Świnka, who promoted one solution of the monarchical question when he crowned Przemysław II of Wielkopolska king. One possible interpretation of this action is that Wielkopolska alone was intended to provide the territory for a Polish kingdom: the long unbroken rule of one family in a single territory had laid the foundations for such a step, unthinkable in connection with any other of the 'dzielnice'.

Mieszko the Old, the founder of the political entity of Wielkopolska, was the first secular sponsor of the Hospital in the principality. His earliest contact with the Order may have been against the background of the Wendish crusade, and he had given his approval and promise of protection to Henry of Sandomierz's foundation in Zagość.

Mieszko's own earlier foundation, the hospital of St. Michael in Poznań was transferred to the ownership of the Order of the Hospital of St. John in 1187 and became the core property supporting the Hospitallers' Wielkopolskan house; from it the Hospital's possessions in the eastern 'dzielnice' of Kujawy and Mazovia were administered.

The Poznań house has attracted particular interest since, after the suppression of the Zagość house in the reign of Władysław Łokietek, it survived as the principal Polish 'commandery' and seat of the Order in the reconstituted Polish kingdom until modern times. It has thus served as the narrative focus for two modern works, the monograph of S. Karwowski and the uncompleted study by P. Czerwiński, the last of which aimed to describe the history of the relationship between Poland and the Order over an extended period.

Although the core of the Hospital's property in Poznań was acquired through the transfer of the existing hospital foundation dedicated to St. Michael - Mieszko had been its sponsor at the time of its consecration by Bishop Radwan - there is no indication that the initial establishment was made with any

view of eventual transfer to the Hospital.⁽³⁹⁾ Rather, the occasion for the transfer can be inferred from its date of 1187, when the news of the disaster of Hattin reached the West and a fresh crusading appeal was launched, in conjunction with which the Hospital's own acquisition of possessions, particularly in Germany and Eastern Europe, markedly increased.

The donation of the Poznań hospital represents an immediate response to a crusading appeal; unlike other Polish and Pomeranian donations to the Hospital, which were only recorded in subsequent years although they probably also originated in the response to the appeal made in 1187, the grant of the hospital of St. Michael could be made at once.

The dating of 1187 is certain; it is given in the first extant document concerning the Hospital's Poznań possessions, Bishop Benedict of Poznań's confirmation from 1193 or before.⁽⁴⁰⁾

The circumstances of the donation are further described in Pope Celestine III's bull of 1193:

" We have been informed by the letters of our reverend son in Christ, Mieszko, duke of Poland, that...at the request of Benedict, who is now bishop of this place, he was moved to give the said house (i.e. hospital of St. Michael) to you/us and confirmed his gift in authentic writing..⁽⁴¹⁾

(39) Predating of the transfer to Bishop Radwan's rule is a mistake in Długosz's account, and in Małecko-Z dziejów i literatury, VI 332ff, Note 3. The correction is given in Repertorium, pp 112-3 No 115.

(40) KDwp I 29 (with 1191?), Repertorium, pp 121-2, No 126 (with 1187- beginning of 1193) (CG 903 under 1191).

(41) KDwp I 30 (with 1192), Repertorium, p 126 No 132 (with 1193) (CG 944, under 1192). Among 6 corrections to the text of CG/KDwp, Kozłowska-Budkowa has 'vobis' for 'nobis'. The original, formerly in the Vilnius Public Library until the 1914-18 war, is now lost. The correction was presumably made from the copy of the 18th century in the Prague archive listed in Repertorium, ibid. It would seem odd, but not impossible for the bull to have had 'nobis', but stranger for it to have been read so, if not there; the substitution of 'vobis', on the other hand could be an automatic or subconscious correction. It seems impossible at present to check on the truth of the matter.

There is a significant additional indication of the circumstances of endowment in the statement that the transfer was made at the bishop's request, which will be considered in more detail shortly. This, the first of several papal confirmations to be discussed, illustrates the special relationship between the Papacy and the Military Orders which helps to explain the extensive use by the latter of the usually costly expedient of seeking papal confirmation of their original documents recording dotal grants. These early confirmations were apparently solicited by Hospitaller officials administering the Order's acquisitions in Poland and Pomerania on behalf of the Bohemian priorate.⁽⁴²⁾

The obtaining of a papal confirmation was a course taken twice in respect of the earliest donations made to the Poznań house: firstly in the case of the documents - the bishop's and the prince's - recording the transfer of the existing hospital foundation of St. Michael: secondly when in 1201 Innocent III confirmed Bishop Arnold's donation of a prebend in Poznań cathedral.⁽⁴³⁾ The prince's hospital and the cathedral prebend were the two principal property interests constituting the Order's holding in Wielkopolska, and were transferred as the original dotation of the Poznań house, although initially the provision of revenue to support the Order's work in the East was more important than the performance of any local function.

(42) See below, p 308 Notes 5/6

(43) "Our venerable father A. bishop of Poznań has informed us that moved by God's piety, with the assent of the canons of the church of Poznań, he has granted you with devout generosity a prebend in that same church." 2 August 1201, KDMp I 37 (CG 1149). See also Note 49

The papal confirmations of 1193 and 1201 provide corroboration for the early documents issued by the bishops of Poznań for the Hospital which are extant; they also provide firm evidence for the issue of two early documents which no longer exist: Mieszko's original act covering his donation of the hospital of St. Michael, and Bishop Arnold's act covering the donation of the prebend. The former is one of relatively few acts admitted by Z. Kozłowska-Budkowa to her listing of twelfth century Polish documents as a vanished document, known only from external references.⁽⁴⁴⁾

It is worth enquiring how the two acts covering the original donations came to be suppressed. A. Gąsiorowski is certainly correct in his suggestion that this occurred at a very early stage; once they were antiquated the motive for their suppression was removed.⁽⁴⁵⁾ It has already been seen how a genuine document, that of Kazimierz the Just for the Zagość house, might be withheld, while others were chosen in preference to be presented for confirmation. (The lost act of the Zagość holding, that of Leszek the White is, however, more likely to be a genuine loss in that the Zagość acts passed as titles to new owners in the 14th century.) The Poznań holding of documentary acts was retained in the Poznań house until they attracted antiquarian interest in the 18th century: successive removals

(44) Repertorium pp 112-3 No 115 gives the additional corroboratory references for the existence of Mieszko's document, which shall shortly be discussed.

(45) Gąsiorowski-Najstarsze dokumenty, (second part, section VII, esp. comment following Note 141) describes the fate of the originals and their surviving copies and registrations.

prompted by an ill-fated aristocratic revival of the Order of St. John in Lithuania brought the earliest documents to the Wilno Public Library, where they perished in the First World War.

The suppression of documents, therefore, occurred at a time when some slight difference of phrasing determined the choice of which of the earliest acts was to be preferred as conferring title. Thus, the confirmation of the bishop and pope was held preferable to the original act of Prince Mieszko, and the papal confirmation of 1201 to that of Bishop Arnold. The general and explicit confirmation of Bishop Paul of Poznań given in 1218, which reinforced and restated the provisions of the earliest documents, possibly with some elaboration, was evidently the most useful of all.⁽⁴⁶⁾

It is possible to reconstruct the contents and form of the two missing originals with some confidence, since their language and provisions were clearly repeated in later documents. In the case of Mieszko the Old's act of donation from 1187, the form of Bishop Benedict's confirmation suggests strongly that it reproduced the language of the earlier lost document nearly exactly in the following phrases:

(46) 30 November 1218, KDWP I 104 (Gęsiorowski provides a much corrected text); for a discussion of the provisions of this act see below, 121ff. The comments in Repertorium No. 126 p 122 on the differences between this document and that of Bishop Benedict (CG 903) conclude: "sprzeczność... wskazuje na chęć przypisania w r.1218 całej niemal fundacji biskupom poznańskim (The inconsistency is indicative of the desire in 1218 to accredit the entire foundation to the bishops of Poznań)." This may also have relevance in the matter of the suppression of the two early documents, if it is accepted that this was done on preferential grounds. See too Note 52.

" In 1187, Mieszko, the illustrious duke of Poland, was moved by feelings of piety and charity in reverence of God, the Holy Sepulchre and Saint John the Baptist to make himself, his wife and his sons, collaborators and participants in the alms and benefits that are administered to those poor members of Christ, pilgrims and the sick, by the brothers of the Jerusalem Hospital: and gave to the brothers of that same Hospital the hospital and house of St. Michael in Poznań, so that divine office might be canonically celebrated and poor pilgrims and guests coming there might receive the brothers' ministrations, according to the facilities of the house: and if, by God's aid, something could, at any time, be saved over and above the necessary expenses of the house, then, so that the alms should have a double effect, this residue should be sent for the support of Christ's poor and sick beyond the sea." (47)

This formulation, somewhat abbreviated, occurs again in the privilege of Laskonogi from 1225, and with three small alterations to that version in the privilege of Odonic from 1238. (48) It undoubtedly formed the body of the text of Mieszko's lost act.

One provision which, on the basis of Pope Innocent's confirmation, was contained in the lost act of Bishop Arnold granting the cathedral prebend, was that the surplus revenues from this benefice, once the cost of maintaining a vicar had been met, was to be transmitted overseas to support the Hospital's work in Outremer. (49) This indicates not only that the original motive for both donors was to support the crusading activity of the Hospital, but also that the representation of the Order in the Poznań house is likely to have been low.

One should not, it seems, think of a congregation larger than the minimum necessary to meet the requirement expressed in the original donation of Mieszko that divine office

(47) CG 903

(48) CG 1802; CG 2180

(49) "... granted in such a way that whatever is left over from the cost of maintaining the vicars whom you (i.e. the bishop) shall appoint there shall be sent (i.e. overseas) for the support of the sick." CG 1149

should be celebrated there. However, the evidence for the numbers of Hospitaller congregations and their distribution among the Order's houses requires a broader context for discussion. It seems a safe general conclusion that their numbers were never large.⁽⁵⁰⁾

On the other hand, the presence of Hospitaller officials accredited to conduct the Order's business is attested at several points. The bishops' acts of 1187-93 and before 1201 and the prince's act of 1187 were almost certainly all of Hospitaller authorship:⁽⁵¹⁾ however, the writers and the soliciting officials need not have been resident. Of the contacts with the Curia in Rome to obtain papal confirmations in 1192/3 and 1201, the earlier, and presumably the later also, was the work of a procurator rather than of the Hospitallers themselves. That officials were appointed after this to represent the Order's interests in Poznań is no more to be assumed: the bishops of Poznań were active on the Hospital's behalf in procuring the updating and confirmation of their privileges. This later cooperation was anticipated by the issue of Bishop Paul's own privilege in 1218.

(50) For a general discussion of the problem of numbers and appointment of representative officials, see below, Chapter 5 and Conclusion.

(51) Only one of the first three acts, that of Bishop Benedict survived the medieval period. Although that original is now lost and was never subjected to palaeographic analysis, Gęsiorowski plausibly points to similarities in the language and construction of the text with Kazimierz's privilege for Zagość and Bishop Zyrosław's act of 1170-1189 (These two also have similarities between themselves in the hand, see below p 156 Note 7). Gęsiorowski, *op cit.* Section 5, also suggests that the later Poznań acts, from that of Bishop Paul (1218) onwards were of Hospitaller authorship.

(6) The Liberties of the Poznań Properties.

Bishop Paul's privilege from 1218 itemises the property transferred to the Order as follows:

(1) The church and hospital of St. Michael with its dependent properties - "cum sanctuariis et servis ascripticiis si qui fuerint ecclesie nostre." This last phrase conveyed the right to the ownership of parishes on the properties transferred in the total donation. Although the Hospitallers appear at a later date as the owners of parishes on their demesne properties in other parts of Poland, it can only be inferred in such cases that the permission for this ownership had been given by the appropriate episcopal authority. This is the most explicit statement of the granting of this permission to appear in any of the Polish and Pomeranian documents recording the original dotation of the Hospital.

(2) The donation of tithe on some of the hospital foundation's properties ("in villis vestris"), listed as:

(a) "Milostovo, Andreovo, Wigonovo apud hospitale" - villas situated close to the city boundaries of Poznań, and

(b) "(Velike, Zuchilez - these names are supplied by Gęsiorowski as editor in the 1218 act through comparison with the listings of 1225 and 1238) Obezerze, Lipnizka cum servis ascripticiis,"

(3) a further donation of tithe made by Bishop Radowan for the hospital of St. Michael before its transfer. It is to be assumed that these were not demesne properties of the

Order. This grant had been made in the Kostrzyń region - to be identified as the Wielkopolskan territory of this name rather than the identically named region on the Wielkopolskan-Pomeranian border (later absorbed into the Mark of Brandenburg), where the Temple had extensive possessions.

(4) The property conveyed in the gift of the cathedral prebend, which is not described at all.⁽⁵²⁾

The Hospital's share of the cathedral revenues, possibly obtained under an agreement of confraternity⁽⁵³⁾, was made up of a parcel of residual tithe interests as well as the revenues of a number of diocesan parishes. There is an extensive description in the fifteenth-century 'Księga Uposazenia (Book of Endowment)' under the heading, "Prebenda S. Johannis."⁽⁵⁴⁾ This later record probably reflects accurately the formal division of the cathedral revenues between bishop and chapter required by canon law, which may be placed in the second half of the twelfth century. It is highly unlikely that the Hospital had any freedom of disposal of these revenues, and their description in the act of 1218 was probably considered undesirable, for this reason.

(52) Gęsiorowski-op cit. of p 118 Note 46 above. A number of differences between this act and the earlier bishops' instruments are noted in Repertorium, No. 126. However, although the listing in this act appears to be a comprehensive description of the Hospital's dotation, it is not. Comparison with the act of Laskonogi from 1225 (KDwp 117, CG 1802) shows that "Drosin cum foro et thaberna" and Czeresin have been omitted from the bishop's listing, whereas 'Velike', which Gęsiorowski feels should be supplied here, is absent in Laskonogi's act. "Drosin", if granted with market rights is likely to have been the original principal demesne property of the hospital of St. Michael (later Sedlcze was held on similar terms). The discrepancy may be taken to indicate that the Order had no tithe-rights initially on these two of their demesne villis. Similarly 'Velike' may not originally have been held on terms which allowed the grant of an 'immunity'.

(53) See below, pp 158-9 (54) J. Nowacki-Księga uposazenia and the two works of Łukaszewicz offer extensive descriptions of the final holding.

The bishop's purpose in issuing his own listing of the Hospital's total properties in 1218 was probably two-fold: firstly, as already suggested, the bishop was able to stress the role of his predecessors in the original endowment of the hospital of St. Michael and in its transfer to the Hospital, as well as the specific episcopal concession which permitted the ownership of parishes and tithes; secondly, it was desirable, since the Order by virtue of its possession of a prebend also owned tithe interests and parish revenues, which were properly to be considered part of the endowment of the Poznań church, that such a document should exist to make clear, should it prove necessary, that anything not specified in this act, was cathedral property, which could only be alienated or exchanged with the consent of the bishop and chapter.

The bishop's confirmation of 1218 makes no mention of the franchise or 'immunity' given on the seven properties which constituted the demesne villas of the hospital foundation, presumably since such a concession was a matter for the prince alone. It is probable that some statement concerning the grant of 'immunity' or franchise was contained in Mieszko's document, which the confirmation of 1218 replaced. Certainly both the confirmation and grant of franchise made by Laskonogi in 1225 and that made by Odonic in 1238 may be read as inferring a grant of 'immunity' made by Mieszko.⁽⁵⁵⁾ If the form in which this immunity

(55) "donacionem quam..pater meus..contulit..duxi confirmandam: ab omni servitute povos vel prevod et stroze homines predictarum villarum immunes constituens.." KDWP 117 (CG 1802) ; "donacionem et libertatem quam..Mesco (ctd)

was expressed was of a kind to be considered unusual or incomplete by the time of the later grants, this too could have constituted grounds for the suppression of Mieszko's original act. It was suggested previously that the rudimentary expression of franchise contained in Prince Henry's instrument of donation in Zagość, - transferring the property under the same terms as applied under his ownership, - could have been considered advantageous under later circumstances. The same is unlikely to have applied in the case of Mieszko's document, since the grant was not made directly from the prince's own demesne.

In the 1220s and 1230s, when the original endowment of the Polish Hospitaller houses had already been achieved, a policy of obtaining specific additional confirmation of franchises can be observed. Such grants of written privileges were obtained in turn for the possessions of Szczecin-Pomerania, Poznań, the Kujawan possessions, and in 1244 for the Zagość possessions. Several new privileges for the Silesian possessions of this date contain franchisal provisions.⁽⁵⁶⁾

et..Wladislaus..in villis hiis..ad domum Hospitalis in Poznan contulerunt..dixi confirmare.. etc." KDWP 213 (CG 2180). Kaczmarczyk, op cit. 266ff reads these two phrases as excluding a grant of immunity by Mieszko, while Gęsiorowski, loc. cit. takes an opposing view. Kaczmarczyk's efforts, taking the references to 'ascripticii' as a cue, to delimit a 'free' (among which he includes putatively located Germans) and unfree population on the Hospital's estates for the whole period, loc. cit. strike me as entirely misguided. Rather, these constituted either the specialist serving-population of the estates, or to judge by the bishop's use of the term in assigning the cure of souls, simply the population, not a differentiated serf element.

(56) See above, p 103 Note 19. Since the impulse to record the 'immunity' of the Poznań properties in 1225 and 1238 came from the Hospitallers, I would suggest that a grant of 'immunity' was probably either merely implicit in Mieszko's act or specified there in some way which was later considered inadequate.

In 1238 the Moravian prior or his representative presented for papal confirmation the original privileges covering the donations in Poznań and in the two Pomeranian principalities; in the case of Poznań the document of Laskonogi covering the grant of franchise was also presented.⁽⁵⁷⁾ No Hospitaller official with a specific Polish responsibility is identifiable between 1205 and 1246; since intermediaries were used to obtain the grants of franchise in Wielkopolska (twice), in Kujawy in 1232 and in Małopolska in 1244, while the privileges were relayed to Rome in 1238 by the Moravian prior, it seems allowable to suggest that the request for the intervention of the intermediaries also originated with the Moravian or the Bohemian prior. It seems less likely, as Gęsiorowski has suggested, that there was a scriptorium in the Hospitaller convent in Poznań, or a congregation that might reasonably be described as conventual.⁽⁵⁸⁾

Gęsiorowski's analysis of the two confirmations of the terms of franchise given in 1225 and 1238 has led him to suggest that the latter has been interpolated.⁽⁵⁹⁾ The two items that excite his suspicion are the addition of an additional

(57) 23 March 1238 - Bull of Gregory IX, addressed: "priori et fratribus Hospitalis Hierosolymitani in Moravia" KDWP I 208 (CG 2194) "Domum de Poznan cum villis pertinentibus ad eandem, quam clare memorie M. ac V. filius eius duces Poloniae, ab omnibus exactionibus secularibus exemptam vobis..concessisse dicuntur, velut in eorum litteris confectis exinde asseritis plenius continetur..confirmamus"

(58) Gęsiorowski, op cit, Part II Section 5, Note 126, quotes an article of Z. Fiala-K otázce funkce našich listin do konce 12 stol. where the existence of such 'scriptoria' of the Bohemian Hospitallers is projected: these conclusions do not necessarily transfer to the Polish situation, the more so since the context of issue of many early Polish acts suggests that travelling officials of the Bohemian Hospital were involved.

(59) Op cit, Part 1, Section 2

element of economic 'immunity' in the second act, and what he considers the addition (in one case judged to be clearly anachronistic) of three names to the listing in the act of 1225 of properties covered by the concession of 'immunity'. However, it is not intrinsically suspicious that there should be some variation between the two versions of 1225 and 1238, and it is possible that differences between the listings of 'immunity' provisions simply reflect the different official procedures of the dates of issue.⁽⁶⁰⁾ The alternative view, that franchises were invariably entirely piecemeal affairs with a vast variety of exemptions applying or failing to apply to estates on an individual basis, does not appear convincing.

However, to take first the second count on which Gęsiorowski suggests interpolation in the act of 1238; his claim that in this document the name of the vill of Pogorzelicze has been inserted in order to claim for it favourable provisions of immunity, whereas in reality the Hospital only acquired it at a later date, is worth investigating in some detail because it has bearing on the larger question of the chronology of the Order's acquisition of property subsequent to its original endowment.

Przemysław I of Wielkopolska made a substantial exchange of property with the Hospital, which Gęsiorowski places plausibly in 1250-3. This exchange was recorded in a privilege

(60) Cf Note 52 for differences between the bishop's act of 1218 and Laskonogi's act of 1225. These, taken either in conjunction or separately into consideration alongside the fuller listing of 1238, it must be acknowledged, offer scope for speculation; but it does not seem right to insist, as does Gęsiorowski, loc cit. that the new names of properties in the listing of 1238 were necessarily interpolated into that document, when a number of alternative explanations are available. See also Note 64 below, for a fuller discussion of the details in the 'immunity' provisions.

which became the third missing or suppressed original act of the Poznań Hospital. The existence of Przemysław's document is known from a separate privilege issued by Bolesław, Przemysław's brother and joint ruler, in 1256.⁽⁶¹⁾

References in this 1256 act indicate that the missing document contained an extensive listing of the property involved in the exchange, including tithe-areas, and also a formulation of 'immunity' (*confirmamus libertatem que in eodem privilegio est contenta*). Bolesław's act continues:

"We confirm the liberty which has been recorded as given by our brother in that privilege and desire that in the villis, which are situated in our duchy and which belong to the same Order, like Radlowo, Sedlcze and Pohorelicia the same liberty which is recorded as given... shall apply (*volentes ut in villis que site sunt in nostro ducatu que ad eandem religionem pertinent ut Radlowo, Sedlcze, Pohorelicia ipsa libertas que data est et conscripta... teneatur.*)"⁽⁶²⁾

Gęsiorowski believes that the wording of the act of 1256 definitely indicates that Pogorzelicze (Pohorelicia) was obtained through the exchange made with Przemysław in 1250-1253: this, however, is not correct. Pogorzelicze appears in this act as one of three properties listed by Bolesław as lying in his duchy and possessing (or to possess) 'immunity' on the terms to be found in Przemysław's privilege; however, this is at best only an indirect indication that Pogorzelicze was exchanged: more specifically, of these three villis only Sedlcze appears in the listing of exchanged properties which is given at the head of the 1256 document; there is no direct indication, therefore, that Pogorzelicze formed part of the exchange with Przemysław.

⁽⁶¹⁾ Gęsiorowski, loc cit. where Przemysław's act of 1250-3, is listed as the third missing (or suppressed) privilege among the Order's original titles.

⁽⁶²⁾ (undated) 1256 KDWP I 344 (CG 2278)

Such a blatant interpolation as that postulated by Gęsiorowski might in any case reasonably be considered implausible: instances of interpolation can usually be identified with a particular subsequent dispute, and it was difficult to carry a point, or maintain a claim simply by outright forgery. Since Pogorzelicze clearly belonged to a group of properties acquired subsequent to the initial endowment, any attempt to insinuate it into a list of the original properties would have been lacking in subtlety.

If Pogorzelicze was not transferred under the exchange with Przemysław, it seems reasonable to place its acquisition by the Order before 1238 when it is first mentioned, and probably between 1225 and 1238 (although the vill or a share of it could have been owned for a time before it was felt appropriate to concede a grant of franchise there). Sedlcze and Obrzyck (not the same as Obiezierze, later appearing as Brzezic) in the 1256 act are definitely listed as having been acquired in the exchange with Przemysław and so came to the Order in 1250-3. Finally, Radlowo and Bieławy - which are mentioned for the first time in Bolesław's act - would have been acquired at some unspecified date before 1256.

These new properties and those, including the church in Rogoźno, which is named in the listing at the head of Bolesław's document among properties passing out of the Order's possession through the exchange with Przemysław, can be seen as representing a different type of property from the seven demesne vills transferred under the original terms of endowment, whose 'immunity' was provided for under the acts of 1225 and 1238.

The implication of Gasiorowski's approach would be that the newer properties were covered by a lesser category of 'immunity'. Another, preferable explanation is available. It may be that, in order to obtain the concession of seignorial franchise those holdings which were acquired subsequent to the initial endowment first needed to be or to become of an appropriate character and size: and that to achieve proprietorial rights of this kind, the Hospitallers would have had to rely on the tolerance of neighbours as well as of the sovereign authority. The processes involved in effecting such an elevation in status of particular demesne holdings will be considered in more detail in the discussion below of the development of the Hospital's Silesian properties, since their individual details are available which are lacking here.

The general conclusion must be that a uniform franchise covered the Hospital's demesne properties under the grants in turn of Mieszko, the two Władysław, Przemysław and Bolesław (except where a major holding with market rights was concerned), but that its form of expression, and its detailed provisions at all these dates differed slightly: finally that the new demesne properties from the first acquired, Pogorzelicze to the last acquired, Białawy, were each conceded the same franchise at some appropriate point, prior in most cases to the issue of the written acts through which these concessions were confirmed.

Something of these processes can be seen when the provisions for seignorial franchise on new and old demesne properties are examined in detail. It is readily apparent that the character of the franchise or "immunity" enjoyed by the

Hospital on the properties originally granted for the Poznań hospital dotation by Prince Mieszko the Old was essentially merely restated in the two acts of 1225 and 1238. The provisions contained in the 1225 and 1238 acts are nearly identical: these acts in turn are derivative in their remaining language from Mieszko's lost original donation. To give the expression of the 'immunity' in detail: firstly, the exactions of "powoz", "przewod" and "stroza" were lifted; the judicial immunity was expressed in terms of removal from the authority of the castellan, although the inhabitants of the property could be summoned under the prince's seal.⁽⁶³⁾ Only the 1238 act specified 'podvorowo'.⁽⁶⁴⁾

A third element, already discussed in the case of Zagość,⁽⁶⁵⁾ was the exemption of tax or customs duties on "domestic necessities". The relevant phrase in the act of 1238 - the act of 1225 has two insignificant differences - may be quoted:

" ..for buying and selling what pertains as necessities to the domestic care of the house, they shall be free from treasury exactions and from any other form of payment (vendendi et emendi que ad necessaria domestice cure pertinent ipsius domus ab exactione ipsius thelonei et cuiuslibet alterius solutionis sint liberi)."

It might, of course, be argued that the intention was merely that the Poznań hospital should be free of duties on its purchases, and certainly the phrase "ad necessaria domestice cure" is suggestive of such a meaning, while the provision for "buying and selling" could simply be a manner of expression.

(63) KDWP 117 & 213

(64) 'Podvorowo' was removed in the Kujawan privilege of 1232, see below, p 135 which was granted to confirm an older (pre 1227) immunity.

(65) CDP III No 35 (1257). See above, p 104-5

Nonetheless this must count as a trading privilege, albeit of an indeterminate kind, and its possession by the Poznań house may have influenced the solicitation of the specific privilege on this issue for the house in Zagość.

It is certainly true that some direct evidence on the franchise provisions of the early documents has been removed through their suppression. Bolesław's act of 1256 refers to the form of 'immunity' contained in Przemysław's privilege, but Przemysław's privilege is missing and it would be otiose to speculate on its probable contents. However, in a privilege dated 25 April 1268, Bolesław made an additional grant of German law for Sedlcze which deserves detailed examination.⁽⁶⁶⁾

We know that a concession of franchise for Sedlcze already existed under the provisions of Bolesław's act of 1256. The grant of 1268 is as follows:

" We have made over to them full competence (*liberam facultatem*) to locate their vill of Sedlce, with the lands adjacent which belong to the same house, and as the fixed boundaries of the said vill have been marked out, under Teutonic law, that is to say by the customs of *Novum Forum* (*iure videlicet Novi Fori*)."

Thus, significantly, adjacent properties which had been acquired by the Order, for which no privilege existed, were included in the terms of the new concession. Later the general

(66) 25 April 1268, KDWP I 433. Cf Kaczmarczyk, *loc cit.* who notes the implications of the differences of judicial immunity conveyed here and those which are to be inferred as having been granted under the terms of franchise of 1256. His inference that the *sołtys* (*scultetus*) actually exercised the jurisdiction is inferred from the delegation of this authority in one later contract on another Hospitaller estate (KDWP 1558). It would be preferable to stress that where this judicial competence of the *sołtys* was exercised, it was a matter of specific delegation.

aim of the Hospital would be to include all their possessions whether covered by privileges or not under a single franchise of lordship. Such a concession as that of 1268 may be seen as the start of this process which was completed in the next century.

What exactly the grant of German law, or the customs of Sroda Novum Forum/ Neumarkt) meant in general practice need not become a matter of contention in this case, since the act proceeds to specific details:

" .. granting to the inhabitants of the same vill ten years of liberty (decem annis libertatem): reserving no right for ourselves except in great or capital cases, these being: decapitation, or mutilation of the hand or foot or any other member, and in such pleas the procedure shall be that the third penny is ours as lord, while the two remaining pennies are to go to the scultetus of the vill and the lords of the vill." (67)

The ten years of "immunity" (in this additional sense) would have covered residual princely exactions. It is likely, too, that the free period offered to attract settlers would also have involved the waiving of the lord's own exactions or a portion of them. However, at the end of this period the rights of lordship, the prince's and the landowner's were reinstated. This, too, is not a matter for speculation since it is specified in the act. It should, finally, be noted that Sedlcze, notwithstanding its name (which means 'settlement'), was not a completely new plantation of the Hospital's; indeed, it was an existing settlement when they acquired it. The additional permission for location was in this case reflective of the Order's position as principal lord, and the estate later appears as the Poznań Hospital's major demesne property.

Judicial provisions in other equivalent concessions equally make clear, if there was ever room for doubt, that the operation of the franchise was intended for the financial benefit of the lord. The 'scultetus', having purchased his office, stood in a relationship of vassalage to the lord. The inhabitants, new and old, were to have what were called German customs, on the model of the Silesian town of Neumarkt (Sroda). There is no specification that the newcomers were to be German, although they probably would have been.

One senses a desire for clarity and standardisation of custom as well as the wish to avoid vexatious disputes in the final provision of the act of 1268:

"Whatever right applies in the other villis of our duchy located under this law, we wish also to be observed in this after the expiry of the "liberty" (Quodque quod iuris in ceteris villis per terram nostram eodem iure locatis fuerit habitum et in hac post libertatis exitum volumus observare." (68)

It may be that the history of seignorial franchises should be written with a very long perspective. It seems that ultimately the majority of the Hospital's demesne properties were covered by the possession of a franchise, which eventually would have been viewed as a concomitant of their rank and status as feudal lords. At a later date, the fact that this lordship had needed to be established, in some cases gradually or from small beginnings, would be capable of being forgotten.

Franchises invariably existed for the benefit of the lord rather than the inhabitants, even if it is possible through highly selective quotation of ornamental rather than prescriptive

(68) *ibid.*

phrases in the oldest and least accessible documents to outline the existence of a system of colonisation, settlement and the creation of free German peasant communities which bears no relation to the historical reality.

Poznań remained the only Wielkopolskan 'house' of the Order until the second half of the 14th century. (The reference to a house in Międzyrzecz, which appears in A. Małeckie's listing, rests on the confusion generated by the purported border-treaty between Poland and the Mark from 1251.⁽⁶⁹⁾) The project for the creation of a filiate house in Rogoźno may be suggested by the fact that a church and tithe-rights were for a time held there, until they were surrendered to Przemysław in the exchange of property he made with the Order. It is possible that a close association with the bishops of Poznań and the princely family of Wielkopolska discouraged the proliferation of houses under the sponsorship of individual families which shall be observed in the case of Silesia.

(69) Małeckie, loc cit. The treaty of 19 November 1251, KDwP 297 is readily identifiable as a forgery, possibly dating from the fourteenth-century, by its specification that what were in fact former Templar possessions in the Falkenburg region belonged to the Order of St. John; naturally this could have only been the case after the suppression of the Temple, and more probably after 1350. (For the border commanderies of Lagow (Łagów) and Tempelburg (Czaplinek) see below Chapter 6 Section 8.) What is striking in Małeckie's comments is the very indistinct knowledge he shows of the former Templar presence in this region. It may also be worth pointing out that particular provisions of the putative treaty of 1251 relate more to the Lagow and Lubusz holdings; the "Tempelberg" mentioned there was a property belonging to the Temple's Lietzen house, and not the separate house of Tempelburg (Czaplinek) in the Draheim (Drawsko) district.

(7) The Hospital's Possessions in Kujawy and Mazovia

In 1232 the Hospital obtained a privilege from Conrad I of Mazovia confirming a grant of franchise on two properties, named as Zblęcz and Niemojewo, in the province of Kujawy, in the following terms:

"Conrad, duke of Cuyavia...we grant the same liberty which they possessed in the time of our father, duke L. (Leszek - KDwp has C., but it should surely be L.) to the vills of the House of St. John of Soblacz and Nyemoyewo, from all rights belonging to us, namely: powosz and podvorowo and lawsuits (iudiciis) and everything else, and we free them completely under confirmation of our seal..."(70)

At the conclusion of the privilege, after the witness-list, there is the following phrase:

" So that these things should gain the strength of fixity, we have fortified them with the placing of our seal. And so that these letters and this written privilege may be held true and certain, they have been witnessed by Lord Gregory, dean of Poznań and Brother Vilhelm of the Dominican Order who have fixed their seals to this privilege which they have read (qui vero privilegio viso sigilla ipsorum apposuerunt)."

The context of the solicitation and grant of this privilege may be established by reference to the Hospital's practice, which will be more fully described in a later chapter, of employing procurators and intermediaries in conducting the business of their Poznań and Zagość houses. This surely also provides the explanation of the involvement here of the dean of Poznań and the Dominican. The concern of the higher officials of the Hospital's Bohemian-Moravian province to seek documentary

(70) (undated) 1232 KDwp I 140 (from a Poznań confirmation)

confirmation of their concessions of franchise in the 1220s and 1230s has already been described. In the present case, as also with Pomeranian documents to be considered later, the confirmation of a privilege of immunity also served as a documentary record of an earlier unrecorded original benefaction.

When the two Kujawan donations were made is not known, but the fact that a grant of 'immunity' had been made by Conrad's father removes the original donations into the period of rule of Leszek the White in Kujawy and Mazovia (1194-1227). A further indication is given by the circumstances in which the Order's possession of Niemojewo was challenged and adjudged by Prince Kazimierz of Kujawy and Łęczyca in 1250 to two Hospitaller brothers against the claims of a Count Janusz.⁽⁷¹⁾ Other instances of legal action, where the Order was obliged to defend its possession of testamentary bequests against the actions of heirs, involved the estates of crusaders, and a similar origin for the grant of Niemojewo in a crusading contract offers the most likely explanation.

Selection of the likely date of transfer of the property may be made from three possible periods of crusading agitation: of these, the expedition of 1227-9 is probably too late, while a donation in association with events of the Third Crusade is more likely to have been recorded in a document, since, as far as can be established all major original donations

(71) 10 August 1250, CDP II (I) p 43 No 56. The provenance of this act in the *Metrica Regni Polonie* suggests it was used as an early title by a later owner of the property. It was probably, as about three-quarters of Kazimierz's extant documents were, issued by the prince's chancery, according to J. Mitkowski-Kancelaria Kazimierza Konradowicza księcia kujawsko-Łęczyckiego.

of this date were recorded in some way. This leaves the expeditions of 1217-19, which also provided the background to Seteh's donation of Makowo in Silesia: the documentation of this property also demonstrates some similarity to that of Niemojewo in that the eventual title to the property was recorded in a judgement of the prince's court.⁽⁷²⁾

The unidentified "Zblęcz" probably came from a separate source, even if the context of its acquisition was similar to that of Niemojewo.⁽⁷³⁾ The site of Niemojewo was near Chodecz⁽⁷⁴⁾; that the property existed within the orbit of the Strzelno convent, and under its ecclesiastical direction is evident from a Strzelno act from 1312 where "Otto commendator Nemoiow" heads the witness-list⁽⁷⁵⁾, and also from another document of 1299, issued in the Prague house of the Hospital on 15 June 1299.⁽⁷⁶⁾ In this act the 'magnus preceptor' Henry of Kindhirze records an agreement made by Brother Hermann, "commendator de Nemoyovo", with the prepositus and convent of the house of Strzelno on the payment of tithe from the possessions of the 'domus' of Niemojewo.

The additional interest of this act is that it indicates clearly that the Order had not received the grant of

(72) See below, pp 244-5 for the original donation in Makowo, which derived from a crusader's financial arrangements. The case of the crusader Dzierzko, identified by R. Grodecki from his will, and other instances are discussed in Korwin-Stosunki Polski z Ziemią Świętą, 37ff.

(73) Małecki, loc cit. Małecki places Soblać in a separate locality, in the Brześć region: the identification can be confirmed by reference to a series of acts from the 1320s. See Note 77

(74) ibidem.

(75) 14 May 1312 (KDWP 955), covering the sale of the abbey's mill in Kwieciszewo to Count Michael the castellan of Konin. This act may be indicative of a recent sale of one of the Niemojewo house's local interests.

(76) 15 June 1299 DKM p 131 No 19.

tithe-areas on their Kujawan properties. While in Wielkopolska and Silesia the Hospital had enjoyed the support and tolerance of the local episcopate, the same indulgence was not offered by the bishops of Włocławek. Their tithe-quarrel with the Hospitallers of Gdańsk-Pomerania was pursued by the Hospitallers over several decades, and latterly with such ferocity that their behaviour furnished the grounds for the legal action under which the Zagość house was forfeited.⁽⁷⁷⁾

If the core of the Kujawan possessions were provided by noblemen's bequests, some arrangement with the diocesan authority would in any case have been necessary before the Order could own church property, whether tithes or the patronage of churches, and it is clear that the possibility of such co-operation can be excluded from a relatively early date. The act of 1299 specifically excludes the ownership by the Hospitallers of tithe-rights in Niemojewo, their principal demesne property. Elsewhere the ownership of such rights was an important component in the dotation of the Order's houses. It would seem, therefore, that the 'commander' encountered in 1312 did not preside over any sort of conventual body, or anything that would normally be understood as a regular religious house: moreover, this official

(77) Tymieniecki-Proces polsko-krzyżacki z lat 1320-1 (Appendix), p 142, Note 5, (quoting CDP 239), gives the form of the names of the two properties as Niemojów and "Szczablancz". Five separate instructions of the Archbishop of Gniezno and Bishop of Poznań as judges-delegate in the law-suit mounted at Rome by the bishop of Włocławek (Preuss. Ub. II (1) Nos. 287/327/330/346/473) confirm the identification of their siting. The Kujawan properties were joined in the action against the houses of Zagość and Lubieszów, all of which were initially adjudged to the bishop 'causa rei servande'. The judges' instruction of 6 June 1324 (Preuss. Ub II(1) 473) reveals difficulties in enforcing the transfer of the Kujawan properties even when returned to Polish control. (See Note 80).

was appointed at a time when the rank of 'commendator' also covered the function previously encountered under the style of 'provisor': such appointments of commanders, made from 1290 onwards, were also influenced by the desire to provide rank-conferring titles for members of a local hierarchy.

Małeck's listing of several Mazovian properties derives from a confusion with a hospital in Rypin unconnected with the Order of St. John.⁽⁷⁸⁾ The Hospital's single Mazovian property, Mnichowice, is first encountered at the point of its alienation and sale to the cathedral church of Gniezno, recorded in two documents, both from 1348, that of the commander of Poznań being issued on January 15, and the confirmation of the Bohemian Grand-Prior, Gallus de Lemberch following on December 7.⁽⁷⁹⁾ The prior's document is by far the more instructive on the previous history of the property, recording that the transfer has been made:

"(of) the hereditas or vill called Mnychowice, situated in the Ravensis district of the land of Mazovia, which has belonged to us from of old with every right, lordship and liberty, with its fields and meadows and every use that can be had there... and with the recognition of the illustrious princes Ziemowit and Kazimierz sons of lord Troyden, duke of Mazovia, that this property should be free and absolved from their government, authority and lordship (*ipsam hereditatem ab omni eorum dicione potestate ac dominio antiquo fore liberam et absolutam*) as provided for in the dukes' own letters."

(78) Małeck, loc cit. and Note 7 (quoting an act of Florian, Bishop of Płock, 1325, in Kod. Mazowiecki. p 46); the foundation of the Rypin hospital and its ownership by the Order of the Holy Ghost can be readily seen in a series of acts published in DKM, Nos. 18 (24/6/ 1323), 19 (1/8/1324), 23 (20/3/1326), 27 (24/6/1345) etc.

(79) KDWP 1264 & 1278. The latter act was issued in the Order's Silesian seat of Wielki Tyniec (That Zakrzewski, the editor of KDWP, confuses this house with the Małopolskan Benedictine abbey of a similar name is perhaps indicative of the general ignorance of the history of the Hospital in Poland.) The originals of both these acts have survived as titles in the possession of the church of Gniezno. It is possible that no earlier documentary record existed than the privilege given by the two named Mazovian princes.

Any earlier documentary record covering the property was doubtless also transferred to the Gniezno church, the new owners, but the 2 acts of 1348 are the earliest to have been preserved. The language of the act of 1348 is striking, nonetheless, suggesting that Mnichowice, no less than the Kujawan properties, might be regarded as a principal component in the Hospital's estates, albeit one, through the absence of ecclesiastical property, not amenable to development as a religious house.

It is also clear from a comparison of the two acts and from the difference in formulation covering the identical transaction, that in the 14th century a standard conception of franchise as a component of lordship prevailed. The Hospitallers, holding even minor properties on such terms, could freely alienate these rights to an appropriate purchaser - such as the church of Gniezno was. For such a transaction the administrative shorthand of the commander's act, far less explicit than that of the Grand-Prior, was sufficient: this is also instructive.

(8) The Poznań House in the 14th century: Kościar

The Poznań hospital in the 14th century occupied an anomalous position as the sole representative house of the Order of St. John in the reconstituted Polish kingdom. While justice and judgement against the Teutonic Knights could only be sought at Avignon, the Order of St. John, which had made common cause with them in order to pursue its long-standing quarrel with the bishop of Włocławek was also justiciable in the royal court: only a series of wars could dislodge the Teutonic Knights, but the confiscation of the Hospital's Zagość property finally required nothing more than an administrative decision.⁽⁸⁰⁾ The house in Poznań probably owed its survival in this period to its close relationship with the Poznań cathedral church: subsequently its Bohemian provincial obedience was regarded as tolerable, in a way that association with the Hospitallers of the Mark and the East German Grand-Priorate would not have been.⁽⁸¹⁾

(80) K. Tymieniecki-Proces polsko-krzyżacki, 141ff. The series of instructions issued by the papal judges delegate (See above Note 77) also establish the political character of the proceedings against the Order. Lubieszów, Zagość and its dependencies, Zbłęcz and Niemojewo were all awarded to the bishop of Włocławek, first as a preliminary measure pending the hearing, then, following the contumacy of the Hospitallers, in judgement. Conrad of Dorstat, who appeared before the judges only once, described himself, possibly with deliberate inaccuracy, as 'vicecommendator' in Lubieszów. (This was not his title, nor was Lubieszów, as Tymieniecki suggests, the seat of the Order of St. John in Poland.) Given difficulties in effecting the transfer in Kujawy, it is likely that a judgement of the royal court followed the pronouncements of the archbishop and bishop. However, in effect the matter was settled by force: Lubieszów always remained beyond the reach of Polish power, but the Hospitallers' estates in Kujawy were lost to the Order at the duchy's recapture from the Teutonic Knights. The house in Zagość was probably lost first. Some information on the ultimate fate of the Zagość possessions is provided by Szcześniak-The Knights of St. John in Poland, pp 23-4 Note 18, according to which the properties were in the hands of the king and the Kraków cathedral chapter in the middle of the fifteenth century. These proceedings were of a kind to leave the Poznań house unaffected, which was doubtless also intended.

(81) See below, 297ff, 324ff

The continuing closeness of the Hospital's association with the Poznań church, where it had perpetual enjoyment of a prebend, is shown by a series of arrangements adjusting the ownership of tithe. In 1309 the Hospital received the vill of Popowo, which adjoined their Sedlcze estate, in exchange for their own vill of Szymanowo. Under this exchange the former owner of Popowo, the archdeacon of Poznań, was to receive a fixed share of its tithe, while the Hospital was to receive the remainder in respect of its standing as overlord.⁽⁸²⁾

The settlement of a dispute with another Poznań cathedral prebendary, the archdeacon of Płock, is recorded in two acts from 1338.⁽⁸³⁾ A further act of June 30 1338, issued by Bishop John of Poznań, allowed the Hospital to acquire the bishop's tithe on two of its properties: "Brseze" (Brzezcie), which it had owned from the time of the original endowment and Sedlcze, which, since its grant by Przemysław II and location under German law, had been one of the Order's principal Wielkopolskan estates.⁽⁸⁴⁾

(82) "Nomine vero decime in villa Popovo archidiacono Poznaniensi debite..non amplius repetetur quam ferto argenti usualis de manso quolibet; cetera vero omnia ad nostram Domum spectabunt, quecunque in ipsa ratione dominii potuerint obvenire." (undated) 1309, KDWP 929. This division between the tithe of the overlord and that of the bishop and chapter was usual: the complication in the Hospital's situation was entitlement in some cases to tithe in the two categories. In KDWP the reading of "Jedlcze" (Jedlec) is surely a misreading for Sedlcze, (Siedlec). (CG 4834, repeats this error).

(83) 14 February 1338, KDWP 1176 and 31 May 1338, KDWP 1182. A property was obtained by the Order in Maniewo in 1360.

(84) "Decimae..ad nostram episcopalem mensam..in Brseze et in Sedilcze, cum adiacencia dicta Oborsino..(et)..Prisodliki." 30 June 1338, KDWP 1184. The exchange more obviously favours the Hospital, in allowing the bishop's rights to tithe on its principal demesne property to be impropriated in addition to the rights the Order already owned there. This arrangement represents a rare breach in the principle of maintaining a separation between the two categories of tithe interests in the Order's possession.

Not only because the Poznań hospital was originally a princely foundation, it was vulnerable to rearrangements of its property-holding to suit the ruler's needs. This has already been seen in the case of the exchange made with Przemysław under which the Order lost its church in Rogoźno. S. Karwowski first made available the record of the later, important exchange carried out with King Kazimierz in 1360, under which the Hospital surrendered two of their demesne properties, Brzezcie and Siedlec (Sedlcze).⁽⁸⁵⁾ This exchange was made in spite of the fact that the transactions of 1309 and 1338, and a further exchange from 1335, (whose details also are only to be found in Karwowski's account)⁽⁸⁶⁾, were clearly designed to promote consolidation of precisely these interests. A number of properties were granted German law under a privilege of King Władysław Jagiełło, which, in combination with the information already considered, helps to reveal the final shape of the Order's demesne holding.⁽⁸⁷⁾

The activities of the commanders and conventual brothers of the Poznań house, as well as those of their superiors,

(85) The exchange is recorded in a privilege, which escaped inclusion in KDWP, and is described by Karwowski, p 13, as 'a privilege found in the altar of the church in Poznań' in the following terms: "In 1360 King Kazimierz gave the brothers, in exchange for Brzezcie, Siedlec and half of Popowo, the royal vills of Maniewo (see Notes 83 and 84), Radzim and Brzeziny in perpetuity, as well as the parish church in Radzim, where they were to present a brother from their convent."

(86) Karwowski, op cit. p 12, from the same source, "...they also acquired in 1335 Kancelerzewek and Rangocino on the lake of Wielki (Velike, above) from Stefan of Górká in exchange for Jędrzejewo (Andreovo, near Poznań), from which, however, the commander and convent reserved their tithe."

(87) 1 May 1394, KDWP 1943. This privilege contains a grant of complete immunity for the properties of Rabowice, Krzesiny, Pogorzelicze (again), Wierzchucin.

the Bohemian priors are revealed in a number of 14th-century acts. On occasion the bishop of Poznań negotiated directly with the Bohemian Grand-Prior, as an agreement of 1362 published at the Order's chapter held in the Silesian house of Reichenbach (Dzierżoniów) demonstrates.⁽⁸⁸⁾ On another occasion, in 1348, the conventual brothers of the Poznań house attended the chapter in Wielki Tyniec, seemingly en masse.⁽⁸⁹⁾ The commanders of Poznań appear to have proceeded scrupulously in conducting business with regard both to their superiors in Prague, and to their congregation of conventual brothers in Poznań. It was important for both sets of interests to be stressed. There was no contact with the East German Grand-Priorate or cooperation with the exceptionally bellicose and anti-Polish Hospitallers of the house in Czaplinek / Tempelburg after that was once more included within the Polish kingdom.

The Hospital's final acquisition was of the parish church in the town of Kościan and at least one dependent estate, which the Order had the right to locate under German law. This much can be derived from the single existing document of the period which concerns the Kościan church - the privilege of location of the estate, Wydziszczevo under German law in 1356.⁽⁹⁰⁾

The creation of this new house in Kościan can perhaps be seen as a mark of recovered confidence, showing that the funds and revenues of the Order, perhaps including some of the

(88) "in Reichenbach...capitulo nostro generali ibidem celebrato" 16 May 1362 KDwp 1475.

(89) 7 December 1348, KDwp 1278. Sulislaus, the 'plebanus' in Poznań and 6 conventual brothers attended this gathering in Wielki Tyniec, See Note 79 above.

(90) 17 January 1356, KDwp 1335

proceeds of recent sales of Polish property, could be applied for the purposes of the Poznań house. Such a project also indicates the presence of a sponsor. In the preceding period, in Silesia and in Pomerania, a new set of sponsors had evidently been attracted by the possibility of attaching the Order's properties and revenues to make foundations which they could control. This was most likely also true for Kościan, and the Hospitaller Martin who witnesses the act of 1356 as commander of Kościan may be tentatively identified as a member of just such a sponsoring family.

This at least seems the most appropriate explanation of the appearance in the act of 1356 of two commanders: the issuer of the act was "frater Iohannes commendator Domus et rector ecclesie Costanensis Ordinis sancti Iohannis una cum fratre conventuali Adam...", while among the witnesses "fratre Martino commendatore Costanensi" appears. This juxtaposition has been described by Karwowski and Czerwiński as a riddle.⁽⁹¹⁾

It seems quite clear, nonetheless, that although the first of these styles is awkward, it was intended to refer to the commander of Poznań. The title of 'rector' has some history of use to indicate the authority of a superior rather than a resident official. In the case of the attending conventual brother, the lack of specification surely implies that only the

(91) KDWP 1335. Karwowski op cit. p 5 and 18ff, and Czerwiński-Zakon Maltański, p 76, both take 'fratre Petro Poznaniensi' who heads the witness-list to have been the commander of Poznań at this date, rather than John, who describes himself as a(n unspecified) commander and issues the act. The junior position of the commander Martin, witnessing after Peter, would suit the explanation of his recent entry to the Order. The attempts of both works to list 'commanders' of the Poznań house assume an administrative and hierarchic fixity which is at odds with available information.

Poznań congregation could have been intended. Additionally, the information available on the holders of the office of commander of Poznań supports this identification. Between Nicholas Ursus in 1348 and Nicholas Poppo in 1366 there is no intervening reference to exclude the brother, John, who issued the act of 1356 from holding this office. Indeed the list of conventual brothers from 1348 is headed by one "Johannes", who clearly enjoyed seniority and so may have succeeded Nicholas Ursus in the office.⁽⁹²⁾

The location of the estate of Wydzischevo belonging to the church in Kościarń may be seen as part of the process of endowment of the house there. The 'sculteti' of other vills who witness the act were more probably vassals of the sponsoring family, rather than representatives of other Hospital properties.

Kościarń remained a separate filiate house, and the title of commander there a dependent dignity, of the Poznań hospital. The church was the core of the property and can best be regarded as having the status which can also be attributed to the Silesian town parishes in the Hospital's possession in the fourteenth century; these supported a commander or a priest, and sometimes both, but still a number of conventual brothers, if any, so small as to be barely reckoned a congregation⁽⁹³⁾

(92) 15 January 1348 (KDMP 1264) contains the last mention of Nicholas Ursus as commander, when he received the payment for Mnichowice. In the same year, 7 December 1348 (KDMP 1278) six conventual brothers from Poznań attended the chapter in Wielki Tyniec; KDMP 1558 (1366). The size of the conventual body in Poznań thus appears to be equivalent to those encountered in the larger Silesian and Pomeranian houses in the same period.

(93) Czerwiński-Zakon maltański pp 77-96 provides a quantity of information on the subsequent holders of the office of commander in Poznań and Kościarń, which lies outside the period of the present study.

CHAPTER 3 THE HOSPITAL IN SILESIA

(1) Piast Silesia

Following its conquest by Bolesław the Brave (Chrobry) in the early 11th century, Silesia was integrated into the political system of the Piast kingdom: the conscious effort in the deployment of office and patronage necessary to achieve this gave the province a disproportionate influence in the internal politics of the kingdom. The castellan Sieciech intimidated Władysław Herman from his power-base in Silesia: Zbigniew and Bolesław the Sneerer fought out the succession there: Bolesław's eldest son, the senior prince Władysław, was established in a Silesian power-base with the intention that he should dominate his brothers; the most powerful of subjects in the period of divided rule, Peter Włast also derived most of his power from a Silesian base.

Władysław the Exile's failure as senior prince brought about, in due course, the invasion of the Emperor, Frederick Barbarossa in 1157. The quarrel was strictly one affecting Frederick's predecessor, Conrad, since Władysław was his brother-in-law, but Barbarossa was happy to inherit it and to pursue it in alliance with the Czech ruler.

The terms of settlement following their invasion, apart from the act of imperial homage required of the junior

princes, provided that not Władysław, but his sons should return and inherit Silesia as their share. These terms ensured that, after the seniorate of Bolesław the Curly, no senior or aspiring senior from outside the province could use Silesia in support of his claim to primacy. It did not, however, exclude the possibility that some powerful descendant of Władysław's might make his presence felt in Poland as a whole - and three of his descendants did precisely this.

The ploy of the Czechs and Germans, if it may be so termed, was perhaps only partly aimed at punishing usurpation, and was intended rather to deny the usurpers, or any one among them, full enjoyment of the Piast patrimony: a further aim, desirable for the Czech rulers, possibly also for the Emperor, was to weaken the political bond between Silesia and the older lands of the Polish crown, which, as already suggested, was the stronger for being new.

Historical and political analysis must involve the setting of events against an appropriate timescale, and so the utmost caution should be exercised against misapplying the fore-knowledge that ultimately Silesia was to revert to its former ownership, or that it would, later still, become a German province. Any intention of the invaders to make of Silesia a satellite which a strong Czech monarchy might drag into its orbit, was within the time-scale appropriate to this work disappointed. Piast rule was conserved within the two branches of Władysław's family, the senior branch of which produced a succession of dominating figures, who, for a hundred and fifty years, the Czech rulers were unable to influence or control.

There is, therefore, a particular period in Silesian history, when Piast princes ruled as Polish rulers and Silesian society was as involved as it ever had been in internal Polish politics: this involvement is so repeatedly made explicit in contemporary sources as to be barely open to question.

In the period under discussion, the Silesian province remained under the control of the same two branches of the Piast family: the senior share passed to the descendants of Władysław's older son, Bolesław the Tall, while the three principalities of Upper Silesia, of which the Opole principality was the senior, remained under the junior branch descended from the younger son, Mieszko the Flatfooted (Piłtonogi). The boundary of the first division of the province as a whole, and the early subdivision of the lesser share between three new branches became permanent early on: however, subsequent subdivision in the Lower Silesian share was resisted by senior inheritors, or at least the more successful among them could insist on a position of eminence.

Once the influence of the last senior, Henry IV, was removed, the minor principalities in Upper and Lower Silesia, and, indeed, across the Moravian border, all bore a similar character: Wrocław the capital, previously the seat of the senior, became the administrative centre of the new royal authority, while its bishop and commune developed their own autonomous secular authority.

Three dominant Silesian princes played a role of importance in the internal politics of the Polish kingdom: Henry the Bearded, (Brodaty, d. 1238) contested the guardianship of the

infant Bolesław the Chaste of Małopolska against Conrad of Mazovia: he was sufficiently successful to add the title of Kraków to his own, although both he and Conrad had to contend with internal Cracovian resistance in their attempts to convert control of the Małopolskan principality into something more permanent. Henry the Bearded's son, Henry the Pious also used the Kraków title during his three-year reign. Henry IV Probus, who, having secured control within Silesia, added the title and claim to Kraków after the death of Leszek the Black, was briefly senior prince of Poland, and is supposed to have considered seeking coronation.

Before the episode of Piast Silesia was closed, the province's principalities constituted an integral part of Poland's polity, whose study is entirely justifiable in a Polish context, indeed it is essential if the life of the whole country is to be understood. In this respect, the detailed examinations of conditions in Piast Silesia in Benedykt Zientara's work - "Henryk Brodaty i Jego Czasy", which analyses the political system of the two dominant Silesian princes of the earlier part of the 13th century, - Henry the Bearded and his son and successor Henry the Pious, - helps to provide essential perspectives. Not least of the value of this and other recent works is the provision of a corrective to earlier versions of Silesian history. In the absence of any recognition of the entity of Piast Silesia all that could be offered was a generalised and inaccurate overview supported for the most part by lessons read on single selected incidents.

Many instances of misrepresentation in what would have to be considered standard accounts could be cited: the exaggeration of the destructive consequences of the Mongol invasion of 1241 is a case in point, where the putative destruction of 'Slav' Silesia provides a 'tabula rasa' for the description of Silesia's German Frühzeit. This complements a further instance of received wisdom, which states that the grant of 'liberties' or 'immunities', and specifically of charters of 'German law' before and after 1241 (unsurprisingly, they occur in greater numbers after 1241), was allied to, and so is an indicator of, the process of replacement of Slav inhabitants with Germans: and that such privileges were issued for the benefit of autonomous German peasant communities. Although these views are not capable of being sustained in a comprehensive, or indeed in a consistent argument, some writers have gone so far as to write the history of 'German' Silesia on such a theoretical basis, admitting a region to consideration only after the grant of an appropriate charter has bestowed on it the necessary racial certificate.

On such insecure premises particular 'racial' policies have been attributed to the Silesian and Pomeranian princes; they are held to have particularly favoured the 'Germanisation' of their principalities, a judgement which ignores the fact that the processes involved were common to all eastern regions. It is hoped that the particular description of one section of Silesian society in the following pages will provide a background against which the 'racial' components which have been so grievously misrepresented can appear in something approaching natural relief.

(2) The Tithe Endowment of the First Silesian Houses.

The first task in reconstructing the Hospital's Silesian possessions is one of investigation of the circumstances of donation of impropriated tithe to the planned houses of the Order in Wielki Tyniec (Gross-Tinz) and Łosiów (Lössen) in the Brzeg (Brieg) region: and Strzegom (Striegau) in the Swdnica (Schweidnitz) region. This is necessary because there is no contemporary documentary record of donations of secular property at the time of the Order's initial endowment.

The first record of tithe donations occurs in two acts of Bishop Zyrosław of Wrocław: the second act is dated 1189, while the first, which is undated, is usually published with a lower limit of the start of the bishop's rule, its upper limit being provided by the year of the second act.⁽¹⁾ These two documents record three separate grants of tithe-rights in a number of named regions. From later information it is clear that the secular or lord's demesne properties in these tithe-areas were in various ownership: the acts themselves contain no description of individual properties, nor is the Order's ownership of demesne property within these regions referred to.

The purpose of the second act is to record a new donation, that of the church and parish of Bardo: but, since it also recalls the previous donations, it may be treated as a

(1) 1170-89?, SUB I 56, Repertorium pp 116-8 No 120 (CG II p 26 Note 1); (undated) 1189 SUB I 57, Repertorium pp 118-9 No 121.

summary and update, giving the situation reached in 1189:

" I have given the church in Bardou to the brothers of the Hospital to possess in perpetuity...not forgetting...the names of the vills whose tithe belongs to this church, which we (sic) also grant. The first of these is Berdov itself, the second Prilanc, the third Cebanov, the fourth Sluscov ...and the tithes which we previously confirmed and placed under anathema at the consecration of the church in Tinchia, namely those of Tinchia itself, of Pilauia and Gostizlauia, and those of another vill Mlodossouiz and of another vill Gliniz..."(2)

That two separate earlier donations were involved is made clear by the wording of the earlier, undated document:

" I have given the Jerusalem Hospital the tithe of the vill called Mlodossouici on the Nizsa to possess in perpetuity: also the tithe of the vill called Gliniz, which I have commuted with John the son of Bennicus, to whose prebend it belonged. We also granted the tithes of the vills of Tincia, Gostizlauia and Pilauia, with the consent of the Wrocław chapter, at the consecration of the church in Tincia..."(3)

Thus, the first donation, unrecorded at the time, but confirmed in the first two documents and in subsequent acts as well as in a papal confirmation of 1203, was made at the consecration of the church in Wielki Tyniec. In that first act of benefaction tithe-rights were assigned in three distinct areas: Wielki Tyniec, Piława and "Gostizlauia".

These places constituted three distinct parishes. When the church in "Gostizlauia" was completed in 1203, Bishop Cyprian of Wrocław again confirmed all the earlier donations and added the tithe of a further vill, Psar, presumably for the benefit of the new church. In this later act of Bishop Cyprian, the listing of the tithe-areas originally donated is slightly more extensive and requires additional comment:

(2) SUB I 57

(3) SUB I 56

"The donations are these.... the church in Bardo with all its rights and the tithe of these villis: first Bardo itself, second Prilanc, third Cebanou, fourth Sluseou. Besides these, at the consecration of the church in Tinchia, he (i.e. Zyrosław) granted the tithes of these villis under anathema, of Tinchia itself and of the same property on the other side of the river which is called Tinchia Michaelis, of Pilauia and "camerariorum" (i.e. Kemmererdorf), Goscizlau, Młodoseuiz, and Gliniz whose tithe used to belong to the prebend of the canon Johannes, but he has been given another place, called Vilcov."⁽⁴⁾

What emerges from a comparison of the confirmation of 1203 with the two earlier acts is that in the case of Bardo a complete listing of properties in the tithe-area was given on both occasions that it was mentioned, while in the remaining cases a notional method which had been employed in the two earlier acts was reproduced, one which named only the principal vill in order to designate the tithe-area. Bishop Cyprian in 1203 saw fit to make additional specifications: in the case of Wielki Tyniec, he included the adjacent property of Tinchia Michaelis, and, in the case of Piława, that of the chamberlain's vill, - Kemmererdorf, as it later appears, - which bordered on Piława.

The repetition of these additions helps make clear that it was Bishop Cyprian's act of 1203 which formed the basis for Innocent III's confirmation of December 15 in the same year.⁽⁵⁾

This series of acts, although they were later capable of employment as titles for the whole of the Hospitallers' core endowment in Silesia, at the time of their issue dealt only with the provision for the impropriation of tithe made by the bishop and chapter of Wrocław on the Order's behalf.

(4) (undated) 1203, SUB I 89

(5) 15 December 1203, SUB I 90 (CG 1180)

It has been shown that bishop Zyrosław was less elaborate in identifying the properties covered by the first tithe assignment than he might have been. It is noticeable, too, that the donation of the church itself is specified for Bardo, but not for Wielki Tyniec itself or for Piława, Glinice, "Młodossouica" or "Gostizlauia", although the 1203 act and subsequent references establish the Order as owners of the patronage of these churches and of the property of the parishes.⁽⁶⁾

It might be argued that no mention was made of the transfer of secular property because none was made at the time of endowment, and the tithe interest was the sole subject of early donations: this would mean that the bishop and chapter were the only donors at the time of introduction of the Order. This matter, and the reasons for the rejection of such a view will be examined later.

For the moment, a matter still claiming attention is that of the time-scale of Bishop Zyrosław's three acts on behalf of the Hospital, of which only the third can be definitely dated to 1189. Before this there occurred the addition of the tithe-areas of Młodossouica and Glinice, and before these (and undocumented at the time), the transfer of the three tithe-areas in Tyniec itself, in Piława and in "Gostizlauia". Apart from the limits set by the bishop's dates, which gives an earliest possible dating for the first, unrecorded act of 1170, further clues to a

(6) See H. Neuling-Schlesiens Kirchorte, for Glinicia (Glinice / Gleinitz) p 71. 'Wilcov' / Wilscof (Wilkau) which the Order exchanged had a parish church in 1335, op cit. p 343. According to K. Eistert-Die mittellaterliche Hospitaler der Stadt Brieg (Quoted in Marschall-Patrozinien, p 16), 'Gostizlauia' is Gross-Neudorf, near Brzeg.

possible dating of the undated document, and consequently towards an upper time-limit for the first donation made at the consecration of the church in Tyniec, may be sought in two quarters - firstly in the palaeographic indications to be gathered from the two existing documents, and secondly from the pattern of donations to the Order in neighbouring Moravia.

The earlier of the two acts demonstrates similarities both to the act of Kazimierz the Just for Zagość and to a Hospitaller charter issued by Bishop Henry of Prague in c.1186. Appelt further cites stylistic resonances in the act of Imbram (Hemeramm) from 1201-3, which was certainly of Hospitaller authorship, as confirming the impression that the earlier act of Bishop Zyrosław was also drawn up by an official of the Order.⁽⁷⁾ The case is clearer for the second document from 1189, for which Kozłowska-Budkowa has noted very great similarities to a charter of Otto of Bohemia for the Hospitallers.⁽⁸⁾

The original association of all Hospitaller property in the Czech lands with four religious houses, eminently with the Prague convent, has already been described. The organisation of certain of the Order's properties into independent units and particularly the creation of Moravian houses with a parish at their core and the appointment of a Moravian prior should be placed in the 1180s rather than the 1170s.⁽⁹⁾ Since it is probable that familial contacts between Silesian and Moravian

(7) SUB I 56, Repertorium 120 (8) SUB I 57, Repertorium 121

(9) See above pp 39, Notes 20-1.

nobles were the source of plans to create similar houses in Silesia; it is unlikely that the formal institution of the first Silesian house in Wielki Tyniec by the consecration of the church there occurred at an earlier date than 1183.

The particular history of one of the Moravian parishes, Kłodzko (Kladzko, Glatz) should also be recalled. The initial donation of one of the churches in this town was extended by Bishop Henry's confirmation of both churches in the town in 1194. It was suggested previously that this expansion of property occurred under the influence of the crusading appeal associated with the preaching of the Third Crusade; and that an originally more limited intention for the endowment of a house in Kłodzko was revealed in the act of 1183.⁽¹⁰⁾

There is a comparable instance in the Silesian record of benefaction to the Hospital. It will shortly be demonstrated that the Pogareł family were the actual donors of the church in Bardo and also the principal sponsors of the Order in Młodossowica / Łosiów. On the analogy of the Kłodzko donation it seems appropriate to place their earlier donations before the crusading appeal of 1187. This provides a dating for the earlier of Bishop Zyrosław's two acts assigning tithes (which was not recorded in any document and was made at the consecration of the church in Wielki Tyniec) of 1183-7; while the second such act, the subject of the first document may be placed in 1183-9.

It has been sufficiently demonstrated that the existing document recording the act of 1189 was issued between

(10) See above, p 40 Note 22

1200 and 1206.⁽¹¹⁾ This need not be interpreted as complicating the process of transfer or suggesting a later date for actual possession of the church in Wielki Tyniec or the remaining properties. It does, however, have one additional implication of interest which deserves to be considered.

This has bearing on an aspect of the bishop's involvement which remains to be discussed. The assignment of tithe to a religious order, although a practice observable elsewhere for the benefit of both lay and secular proprietors where church-building and the extension of the parish network was involved, was, nonetheless, a signal mark of favour and tolerance where a new religious order was concerned. The particular generosity of the bishop and chapter of Poznań in donating a prebend in the cathedral to the Order has already been discussed: that donation may have been the consequence of a similar arrangement of confraternity to that described in the second of Bishop Zyrosław's documents:

"... for fraternity between us has been ordained in this way, that, when any of our canons dies, his obsequies shall be observed by them as for any other brother, and they shall send a written record of his death to Jerusalem..."⁽¹²⁾

(11) Repertorium pp 118-119 No. 120, cf SUB I 57, (H. Appelt's commentary), and Silnicki-Dzieje i Ustrój kościoła na Śląsku, 110ff. "Both its editors, and W. Kętrzyński, have recognised the undoubted authenticity of this document; against this, according to A. Lerche (Die territoriale Entwicklung der schlesischen Johanniter-Kommenden, Gross-Tinz, etc. Diss. Breslau 1912, p14), "the internal form of the document is basically false." The author offers no proof of this beyond the say-so of L. Schulte." Repertorium, loc. cit.

(12) SUB I 57, Silnicki, loc. cit. notes the similarity.

If the dating of 1200-6 for the actual production of Bishop Zyrosław's second document (dated 1189) is correct, then it cannot be stated with certainty which of the two arrangements of confraternity with the Polish chapters of Poznań and Wrocław was made first. In both cases, however, the particular support and tolerance of the episcopate should be noted. The tithe assignments made under these two agreements were an essential component in the eventual construction of the Order's property interests, helping to ensure that collations of secular estates, as well as the houses and churches which they supported, would be treated as church property. Nonetheless, as shall be seen, the bishops in both dioceses invariably insisted that their episcopal rights should be respected. It would be incorrect, as has too frequently been the case, to speak of a far-reaching 'exemption' from the bishop's authority.

3) The Donations of Bardo and Łosiów

In 1189 Bishop Zyrosław's document recorded the donation to the Hospital of the church in Bardo, a town which was later the object of pilgrimage by virtue of its possession of a miraculous image of the Blessed Virgin. It is not possible to trace the town's history as a pilgrim destination back to the brief period of the Hospital's ownership: however, the Order's own churches in Bohemia were approved pilgrim destinations, as a privilege of Bishop Paul of Kraków from 1291 indicates.⁽¹³⁾

The purpose of the act of 1189 was also to provide for the transfer - with a detailed description - of the tithe of the parish of Bardo. In spite of the bishop's identification of himself as the donor of the church, which the donation or transfer of tithe (which only he could effect) offered an opportunity for him to assert, his status in the donation of the church itself might more appropriately be characterised as that of one granting permission for the transfer of ownership, since the donor, in the sense of the previous owner and the intending benefactor of the Hospital, was Count Vincent of Pogareł.

This is made clear in the document of Bishop Laurence from 1210 recording the redonation of the property in Bardo to the canons of Kamieniec:

(13) The later history is given in Schweter's Warthe; Bishop Paul's privilege was given in Prague on 24 August 1291 (CG 4169). The Hospitaller churches in the Silesian province were also the destination of this kind of pilgrimage. Bishop Paul gave a similar privilege to the church in Zittau in 1289, according to Wienand-Der Johanniter-Orden p 425; Bishop Przecław of Wrocław gave an indulgence privilege to the church in Lwówek in 1342, Neuling. op cit p 175

"I, Laurence, bishop of Wrocław hereby announce that, under my commission from the Holy See to determine the status of Lord Vincent [note in CDS X supplies .. de Pogarell (Pogrell)], who, - although he was not led astray from the Order of Arrovaize, as the commission stated, since he had made no firm vow to them - in consequence of the order it contains, I have provided for him to make his profession elsewhere and have considered Kamenech suitable for this purpose, since a congregation of the same observance is being formed there with God's help, and Lord Vincent is helping in the task..."(14)

The events behind this preamble can be readily understood if it is read in conjunction with an earlier papal letter, addressed in 1199 to the bishop of Lubusz: the position of the bishopric at this time has not been completely clarified, but it is probably still to be regarded at that date as a suffragan see of Wrocław. Laurence, who succeeded Cyprian as bishop of Wrocław, may have inherited authority in the affair after his translation. In any case, it was by no means unusual for a papal commission to be sent to a neighbouring diocese.(15)

The subject of the papal commission was the behaviour of a young man, who had taken vows in the Order of Arrovaize, but had been sufficiently excited by events in the East to go to the Holy Land and enter the service of the Hospital. This provoked a complaint from the congregation of Arrovaize, who demanded that he should be compelled to revert to his former obedience.(16)

The circumstances of the two documents, the preamble to the bishop's redonation, referring to the earlier commission, and the text of the papal letter conferring the commission match

(14) 1 November 1210 (Ubuch d.Kl. Kamenz p 1, No.1)

(15) Repertorium, p 136-7, No 147. Kozłowska-Budkova's comment that the letter of 1199 is the first mention of the presence of Hospitallers in the Lubusz diocese is unfortunate, although correct in the limited sense that there is no evidence at any time before the suppression of the Temple of property there in Hospitaller ownership.

(16) 8 May 1199, SUB I 67 (CG 1082).

exactly. It can be instantly seen that much of the commentary which they have attracted separately is otiose. For example, Schweter explains the redonation of Bardo to Kamieniec with the comment that the Military Orders frequently lost properties through the legal action of heirs. This is not true generally, nor does this provide such an instance.⁽¹⁷⁾ At the same time, the redonation of Bardo in 1210 makes clear the substance of the grievance of the Order of Arrovaise in 1199, and helps to explain the vigour with which their complaint was pursued, since it indicates the material loss which the young man's defection had brought with it: here, beyond doubt, is the context of the donation of Bardo to the Hospital in 1189, and here too the explanation for the Order's short term of possession.

Juxtaposition of the two problematic acts provides the sequence of events; the young canon who went to the East (although in 1210 there was reference to his declaration that he had made no solemn vows), was the subject of the letter of 1199, and was the ultimate donor of the church in Bardo in 1210 was Count Vincent of Pogarel. Bishop Laurence, while accepting the contention that Vincent had not made a formal profession, nonetheless implemented his papal commission to the extent of assigning the property of Bardo, the root cause of the grievance and the complaint, to the new Arrovaise foundation in Kamieniec. In the abbey's possession, the scale of the Bardo donation, its tithe-area and dependent properties is revealed as large: as was the case with the Tyniec grouping, the properties within the

(17) Schweter-Warthe pp 4-6.

tithe-area became the subject of settlement activity (revealed by name changes) and supported subsidiary parishes. Prilanc, renamed Frankenberg was the site of a church in 1230.⁽¹⁸⁾

The Pogarel family maintained an association over several generations with the Hospital's house in Łosiów (Lössen). Łosiów has been identified as the locality referred to in the original tithe-grants as Mlodossouica.⁽¹⁹⁾ To the support for this identification which Kozłowska-Budkowa has described as insufficient⁽²⁰⁾, the history of the Bardo donation may be added as evidence with a strong circumstantial value. It might further be observed that the name of Mlodossouica, although it appears at the head of a tithe-area does not recur in any later act, which is itself indicative of a name change. The Pogarel family had interests in the Brzeg district, quite apart from their donations to the Łosiów house. Some of these were later used for the benefit of the relatively remote foundation in Kamieniec with which they continued to be associated.⁽²¹⁾

(18) Ub d.Kl. Kamenz No. 5 describes the church in Frankenberg (Prilanc) as being in the ownership of the abbey of Kamieniec at this date.

(19) H. Richter-Kommende Lössen, p 3, citing the researches of K. Eistert (Beiträge zur genealogie des Breslauer Bischofs Preczlaus von Pogarell) into the genealogy of the Pogarel family (which evidently had a Silesian-Moravian background in the larger Mladatha family group, who were also associated with the Hospital in Moravia). Additional comments (Richter, loc cit.) on the supposed Viking ancestry of the Pogarels, (p 13, after H. Aubin), and the section on 'colonisation' beginning "Die Polen waren arm und faul.." (p 10) are dispensable, to say the least.

(20) Repertorium No. 120, p 117 Note 2.

(21) An act of 1276 (Ubuch d.Kl. Kamenz No 32) indicates that the Pogarel family's interests in the Brzeg region were also employed in the dotation of the abbey in Kamieniec.

To identify the Pogarel family as the donors of the property interests in Młodossowica / Łosiów which complemented the bishop's tithe-grant of 1183-7 as well as of the parish in Bardo in 1189 is helpful in one further respect: the development of the property of the Łosiów house after 1210⁽²²⁾ may be seen as originating in the family's desire to compensate for the loss of their previous additional donation in Bardo.

The second donation in Bardo also prompts a question: why, if the Pogarels were the original donors of property in Łosiów, and later aided the development of the property there, was their additional benefaction of 1189 made in Bardo? It seems appropriate to infer that their original donations in Młodossowica / Łosiów (related to the tithe provision confirmed at the consecration of the church in Wielki Tyniec) were not intended to support a separate house. Circumstantial indications may be called in support of such a view. The geographical proximity of Łosiów to Wielki Tyniec in itself suggests that the original gift there was made in support of the project to endow a house in Wielki Tyniec. One may conclude that the donation in Bardo (particularly the transfer of the church) reveals an ambition, which was ultimately frustrated, to found a separate house there; this project was finally accomplished through a new arrangement of the holding in Łosiów.

(22) See below, Section 6

In addition, the treatment of the several original tithe-areas made over by Bishop Zyrosław as a single group for the purposes of record, notwithstanding their geographically disparate situation reinforces the view that, originally, the foundation of only one Silesian house, that in Wielki Tyniec, was intended. The Order's earliest administrative provision also bears this out.⁽²³⁾

In conclusion, it would appear that the additional support for the Hospital generated by the crusading appeal which was made from 1187, perhaps too the requirements of financing individual pilgrimages, brought the Order an accession of donations, which allowed them to contemplate the creation of two new houses in addition to the one already established in Wielki Tyniec. The core of the new houses was to be provided by the acquisition of two town parishes. One of these was Bardo: the other, where the transfer proceeded satisfactorily, was Strzegom.

(23) See below, p 309 Note 11 and 316-7. Silnicki loc cit mistakenly regards Strzegom as the senior Silesian house and provincial seat.

4) The Donation of Strzegom

The document of Imbram, (Hemerammus), the son of count Gniewomir Gnevomir), which records the donation of the church in Strzegom (Striegau) to the Hospital, was issued before the start (December 8) of the second year of Prince Henry the Bearded's rule, thus according to Grünhagen in 1202 or 1203: although the authorship was that of a Hospital official - stylistic similarities with the act of Bishop Zyrosław from 1189, remarked by Appelt, have already been noted - it bears the oldest surviving example of a Silesian noble's seal.(24)

The authenticity of the four acts covering the donation of the church in Strzegom is also supported by their mutual corroboration. The first confirmation of the donation was given by the Silesian prince Henry the Bearded in 1203, and Bishop Cyprian's confirmation followed in the same year. Finally, the Strzegom donation was confirmed by a bull of Innocent III, dated November 5, 1205, which recalls the permission for the donation granted by the prince and the bishop, an indication that both earlier confirmations were presented when the bull was obtained.

Appelt accepts all four documents as authentic and disputes the suggestion of K. Maleczyński, the editor of the Polish Silesian document collection, that the duke's document was

(24) 8 December 1201 - 8 December 1203, SUB I 86 (SR 76c, CG 1130)

written slightly later than its given date.⁽²⁵⁾ More significantly, Appelt also reports, and rejects, an argument which opposes the authenticity of the bishop's document, and by inference the group as a whole; these arguments are principally premised on the inconvenience of the documents' existence for the theories of F. Schilling on the Germanisation of Silesia.⁽²⁶⁾ More profitable consideration might be given to the question of whether the differences of expression between the three documents - those of the count, the bishop and the prince constitute an actual inconsistency, or whether they can offer an insight into the context and circumstances of the donation, and the early history of the property in Strzegom.

The donation of the count contains the following:

" I, Hemerammus, son of count Gneomirus have given the brothers of the Hospital of St. John the church of Zregom with all its attendant property to possess in perpetuity."⁽²⁷⁾

The act of the duke granting permission:

" ... my noble, count Hemrammus, castellan of Rechen gave the church of St. Peter of Ztregom, with my consent and permission, to the Hospitallers of St. John of Jerusalem with all its attendant property to possess in perpetuity." ⁽²⁸⁾

(25) 1203, before 8 December, SUB I 87 (CG 1168), cf KDS1 99

(26) 1203, after April 6, SUB I 88 (CG II, p 20) "(The document is) undoubtedly genuine. Although Schilling (p 576, Note 993) casts doubt on the charter since the Hospitallers only received permission to locate Lüssen under German law in 1239 (SR 539), this (argument) is without foundation..." Appelt's commentary to SUB I 88. Unfortunately, A. Lerche's monograph would appear to have adopted Schilling's thesis in its entirety. Appelt's grounds for rejection, which will be considered in more detail shortly, are themselves to some extent misconceived, since the crucial point that 'Lussyna' (Lüssen) was not created by its 'location' is circumvented by his disputing the authenticity of the provision for its location in the act of 1239, See below 178ff

(27) SUB I 86

(28) SUB I 87

That of the bishop confirming the donation and approving the transfer of property and tithe:

" This is the donation: the church of St. Peter of Ztregon with all its attendant property and with the vill, called Lussina. And these are the names of the vills whose tithe my predecessor of blessed memory, Walter, with the advice and consent of the Wrocław chapter, granted and placed under anathema at the consecration of this church: the first is Ztregon itself, Ztanouischa, Chehi, Time, and on the other side of the water, Lussina, Lubessov, and Rssna." (29)

Finally, the papal bull of November 5 1205:

" Innocent, etc...to Magister Robert and the brothers of the house of the hospital of Jerusalem in Silesia (Zlesia)...we confirm... the right of patronage of the church in Stregon, which the noble, Hemramus is known to have given, with the permission of our beloved son, the noble Henry, duke of Silesia." (30)

There are several points arising from these provisions, which might usefully be clarified here. The first of these is the suggestion that the mention of Lussyna in the bishop's document, and in that act alone, is anachronistic and indicative of the document's invalidity. It should be evident from the brief quotation of the four texts just made that opportunities for specious objection on the grounds of mutual incongruity could be multiplied indefinitely. If the form of expression and the contents of the bishop's document are held to be suspicious, a more helpful line of approach might be to ask what in it appears plausible, and then consider why the differences which can be noted should appear.

It is immediately apparent that the bishop's act is the only one of the four to offer specification of the dependent

(29) SUB I 88

(30) 5 November 1205, SUB I 98 (CG 1225)

properties of the church. In its description of the tithe provision originally made some decades previously by Bishop Walter, the bishop's document of 1203 strongly recalls the original assignment of tithe made in the case of the church in Bardo in 1189 (but written in c.1200-5) and again in 1203.⁽³¹⁾

Nor, on balance, does it seem inherently objectionable that only the bishop's act should mention 'Lussyna', since only the bishop's act is at all specific about the church's dependent property interests: furthermore, it is probable that the bishop's document was particularly concerned with specifying the property of the church in Strzegom, including the vill of Lussyna, and so designating it as church property: the more so if the vill was only transferred at the time the Hospital took possession. It was not unusual for parish churches, particularly those of towns to have property interests as part of their endowment, and under such arrangements former secular estates received the protection of church property.⁽³²⁾

It is not unusual for the surviving form of the oldest privileges to bear alterations or interpolations made under the influence of the requirements of later claims or disputes. It is preferable to attempt to identify such instances, rather than to issue a blanket rejection as "forgeries" of documents containing inconvenient references. The 'location' of Strzegom in the early 1240s demonstrably brought about a significant

(31) See above p 154 Note 4 and p 158 Note 11.

(32) See below, Section 9, where some attempt is made to describe the various dotal endowments of the urban parishes later acquired by the Hospital.

expansion in the size and importance of the town, which had implications for the Hospital's ownership of the town's principal parish. Among the religious orders who were represented in the expanded, or, if one prefers it, the 'located' town, a congregation of Benedictine nuns disputed the Hospital's parochial rights.⁽³³⁾ Since the four early Hospitaller documents taken together were unassailable, the point which was selected for attack was the dedication of the church. W. Kuhn's view that the rebuilding of the Hospitallers' church, the principal parish church of Strzegom, occurred at the time of the location seems correct⁽³⁴⁾. It can, as Kuhn suggests, be clearly demonstrated that the original dedication to S. Peter only was also transferred. Not only the bishop's act of 1203 (which has been suspected), but also the duke's confirmation of the same year gives the dedication of the church as being to St. Peter. The further papal confirmation which the Hospitallers obtained in 1246, after the location

(33) The Benedictine convent was founded in 1307, Neuling, *op cit.* Strzegom entry (SR 3012). J. Filla-*Chronik der Stadt Striegau*, p 90, *Schade-Geschichte der Ritterlichen Johanniter-Kirche und Comthurei*, p 31 places the start of the quarrel in 1309, a date of significance in the forgery of two of the Strzegom privileges, see below, p 177 Note 51, p 178 Note 53. This dispute was apparently settled by an agreement of 1370 under which the Hospitaller Prior was accepted as the 'provisor' and protector of the Benedictines, under the condition that the abess could herself control the choice of a Hospitaller as their confessor. Filla, *op cit*, p 91. The terms of this dispute recurred in the conflict with the town's Carmelite foundation after 1380, *op cit* 111ff. Schade, *loc cit.* reports a tradition that the Benedictine house was founded on the gifts of pilgrims, which could be interpreted as an indication that the Hospitaller church of Strzegom in the 13th century was indeed a pilgrim destination.

(34) W. Kuhn, quoted in Appelt's commentary to SUB II 170. Filla, p 65, incorrectly believes that the new church was dedicated to SS Peter and Paul. Nonetheless this anomaly is surely the source of the later assaults on the Hospitallers' position in the town which he records.

and reconsecration repeats that the dedication was to St. Peter.⁽³⁵⁾ This also removes a putative reason for interpolation in the bishop's act of 1203, since insertion of the dedication to St. Peter would not have helped in the later dispute.

The exemplar of the seal used for Imram's document of 1201-3 was one belonging to his father, Count Gniewomir.⁽³⁶⁾ Although there has frequently been confusion of the original consecration of the church by Bishop Walter in the 1160s, while it was still in the family's possession, with the transfer to the Hospital, which is a straightforward error⁽³⁷⁾, it may nonetheless be possible to see a suggestion, in the invocation of Gniewomir in Imram's document, and the use of his seal, that the project of donation to the Hospital originated with him. Since he died in 1186 this plan would have predated the crusading appeal of 1187.

It is equally noticeable that the handling of business involving the property in Strzegom was kept separate from that of the early Wielki Tyniec project.⁽³⁸⁾ Accordingly there are two strong circumstantial indications of the formulation in the 1180s of a project of endowment in Strzegom of the separate Hospitaller house which was eventually established

(35) October 1, 1246, SUB II 309 (CG 2426)

(36) See Note 24 above. Count Paul later used his father Imram's seal for his own documents of 1239 (which were written by Hospitallers).

(37) This date is incorrectly given, for example, in the respective listings of Feyfar, De Salles and Szcześniak. However both Silnicki and Małecki avoid this mistake. The information in De Salles and Feyfar is generally unreliable.

(38) For example, two separate papal bulls were obtained from Pope Innocent III, 15 December 1203 (CG 1180) for Wielki Tyniec and 5 November 1205 (CG 1225) for Strzegom.

there. It may be, as in Kłodzko, that the decision to make over the town's principal parish was taken under the influence of the crusading appeal of 1187, and just conceivable that some local memory that the first plan had involved the construction of a church in the town for the Order and not the transfer of its parish fuelled the enmity of the Hospital's rivals many years later.

(5) The Development of Strzegom

The property of the Hospitaller house in Strzegom may be divided into three categories: firstly, the existing dependent rights and revenues of the parish church at the time of its transfer; secondly additional property within the town itself; thirdly the two demesne villas with which the Order was provided, and which they were enabled eventually to hold on terms of lordship.

The effect of the multiple transactions surrounding the transfer of the church of St. Peter in Strzegom, which was the subject of four documents was to accomplish and to record complete handing-over of the, - in part formerly secular, - property dependent on the church.⁽³⁹⁾ Further supports may be adduced for this interpretation of the Hospital's status as that of sole and protected proprietor. The Order was the single party conducting negotiations with Bishop Thomas I over tithes from new properties in the Strzegom tithe-area, in the dispute concluded by the compromise of 1255.⁽⁴⁰⁾ In other Hospitaller houses, too, a complete freedom of disposal of the property of churches held by the Order existed. The most that sponsoring families could hope

(39) Notwithstanding the fact that the papal confirmations of 1203 (SUB I 90) and 1246 (SUB II 309) specify the patronage, or 'ius patronatus', the later donation of the church in Brzeg of 1280 was made in similar terms; Cf Silnicki op cit. p 113, Note 3, where the point is made: "There is no doubt that the grant of the church rather than the right of presentation was involved, but the Curia was applying the legal concept, according to which, from the time of Alexander III lay ownership of churches was unthinkable."

(40) See below, Section 5, where this agreement which affected both the Strzegom and Łosiow houses will be discussed more fully.

for was some preferential treatment, evidenced by a number of later agreements with the Order under which such families were exempt from the payment of tithes on their demesne properties. In these cases it would appear that the Order was negotiating as a free party, exchanging a portion of its tithe-rights in order to secure land and rights necessary for the construction of its own demesne-holdings. Such agreements would, however, hardly have been necessary if the sponsors had retained free disposal of the property of the church.⁽⁴¹⁾

Even, - or perhaps especially, - in the case of the larger town parishes which the Order subsequently acquired, although these had previously been employed by the Silesian princes as benefices and so had stood to them in the closest of relations, allowing control of the parish's property, there seems no reason to doubt that complete ownership and control of these properties also was conveyed to the Hospitallers when they took possession.⁽⁴²⁾

The ducal family were the proprietors of the town of Strzegom; at its location in the 1240s it fell within the share of the duchess Anna, widow of Henry the Pious.⁽⁴³⁾ The Order's own eventual holding adjoining the located area is described in a

(41) See below, p 200 Note 92 and p 231 Note 155 for instances of this practice.

(42) See below pp 216/7. Prince Henry IV made alterations in the endowment of the Brzeg church preparatory to its transfer to the Hospital.

(43) (Undated) 1242, SUB II 239 (CG 2283), which is the duchess's act granting the Order compensation for its property taken for the location of Strzegom. There are many indications that the town itself was, and remained the property of the ducal family, some of which will be encountered in the following pages. Filla appears to believe that the Hospitallers were the 'locators', in the sense of the rebuilders of the town following the Mongol devastation. He indulges this whimsy to the full in a ludicrous purple passage, op cit pp 7-8.

privilege of Prince Henry IV of February 22 1272, to which the Order attached enormous significance. (It was confirmed by Bishop Thomas I on June 17 of the same year and in 1299 they obtained a further transumpt from Bishop John of Wrocław.⁽⁴⁴⁾) The original act provides as follows:

" Henry, duke of Silesia and lord of Wrocław...at the request of Henry, commendator in Strigun, we have received into the protection and tutelage of ourselves and our successors (the Hospitallers of Strzegom), absolving them and their house and the areas situated between the boundaries of its court (curia) from all exactions, guards, and other dues by whatever name, wishing also that they should not be bound to make ditches, or fences, or walls, or boundaries around the town (civitas), but granting them permission to construct buildings for their own use against and upon the walls of this same town of ours...we make this condition that, in time of war, they shall post two guards and be held to serve at their own cost and expense; we also grant them a right of way (via) by the boundary of the cemetery to the entrance of the brothers' own court...and whatever right or liberty other dotal lands subject to my dominion have, we wish that the same should pertain to this land and to lands which lie adjacent to it." ⁽⁴⁵⁾

The intention of this privilege was to convey a form of exemption or 'immunity' appropriate to an urban land-holding of a kind which provided for a fixed obligation, expressed in terms of an existing service, to be discharged. Its concession may have been influenced by the activity of Henry, the commander in Strzegom, as a representative of the duke; the details of a significant service performed by him in Strzegom itself comes in a declaration, issued by the dean of Holy Cross in Wrocław and the prior of Plzen, that:

(44) 17 June 1272, SUB IV 180 (AMR 11 / CG 3456) and 5 November 1299 (unpublished), AMR 16 (SR 2571) are two early confirmations of SUB IV 163 (the privilege of Prince Henry of 1272); the transumpt of 1299 was granted at the same time as documents confirming the transfer of the parish of Brzeg and its property, see below pp 218/9 Notes 125/6

(45) 22 February 1272, SUB IV 163 (AMR 10 / CG 3439)

" the late Henry, commander in Strigun, under the commission of the illustrious prince, duke Henry, the father of lord Bolco, now (1299) duke of Silesia and lord of Fürstenberg, and with the prince's money, built all the town wall of Strigun. We further state that the land of the Brothers of the Cross (Cruciferi) there extended from the cemetery as far as the "pomerium" (i.e. open space between private building and town wall) of the Brothers." (46)

The wording of the last phrase of the original privilege ("quicquid iuris uel libertatis alie dotales aree meo dominio subiecte habent coram aream cum areis sibi adiacentibus uolumus obtinere.") might be held to cover the property-holding in the town of Strzegom, as it then stood, whatever its provenance, as well as all subsequent aggregation: thus new acquisitions would be brought under the terms of the privilege; nor was its scope confined to the town of Strzegom. Although, at the time of its issue, the only practical application of this privilege was to the Hospital's possessions in Strzegom, subsequently this last ambiguous provision could be applied to other towns where the Order acquired the dotal endowment of parishes, indeed could be cited as the usual terms and conditions of their ownership of urban property. Thus, when the church of Dzierzoniów (Reichenbach), the last to be acquired by the Hospital in this period, was transferred, it was provided that it should be held on the same terms as Strzegom and the other parishes of the Order in Silesia. (47)

The Hospitallers' possessions in the Strzegom region also included two villas, or estates, of which they were the principal proprietors, or overlords; these were 'Pazeczyno',

(46) 2 August 1299 (unpublished) AMR 15 (SR 2560 / CG 4773)

(47) See below, p 226 Note 145

later renamed Sedlitz, and Lussyna. Lussyna was given at the same time as the church, in 1201-3. Sedlitz was given by Count Paul, the son of Imbram in 1239.

Paul's original act of donation of 'Pasezno'/Sedlitz, is surrounded by a number of difficulties. Many of these are unnecessary and derive from inaccurate recording of the archival holding. According to Colmar Grünhagen⁽⁴⁸⁾, two nearly identical acts from 1239⁽⁴⁹⁾ record the transfer. The commentary in Schlesisches Urkundenbuch is puzzling⁽⁵⁰⁾, in part implying that there are two broadly identical versions, as Grünhagen had it, and defending their authenticity against some shrewd criticisms of their witness-lists reportedly offered by Loesch. At present, in the Prague Archive, only two documents are listed⁽⁵¹⁾, but they are not identical or nearly similar. It would appear that one of these is the original, the other is one of two later, falsified versions, which were those registered together by Grünhagen.

(48) 1239 (undated) SR 524 and 525 (CG 2215/6) cf SUB II 170 / 171 SR 528 indicates the existence of a third document, and seems to describe the original. Maleczyński-Orlik describes what I also found to be the situation in AMR.

(49) There are minor differences - SUB II 170 (SR 525) is dated "on the day of the consecration of the church in Strzegom" and has three additional Hospitaller witnesses. These are not encountered again, however; and, since the style of 'commendator' would be anachronistic at this date, and that of 'vicecommendator' even more so, the Hospitaller witnesses provide a supporting indication of the probable date of the forgery, which is c. 1310.

(50) SUB II 170 / 171 while publishing two acts appears to incorporate commentary appropriate to the three versions.

(51) (1) AMR 5 (SR 524 / SUB II 170: "On the back in a 13th century hand, "de donacione et libertate domus in Strigun Pezeycna", and in another hand "super villam Czedlicz, siluam..et fluvium."

(2) AMR 6 [this according to AMR Catalogue is SR 525, but SR 525 has "the same charter as 524", which is clearly not the case / SUB II 171]). "On the back in a 14th century hand, "super villam Czedlicz que prius dicebatur Passeczna." AMR 6 is the original. AMR 5 is one of two falsified versions. The occasion for the forgery is likely to have been the same as that demonstrated by the ditors of SUB for SUB II 430, August 29, 1239. See Note 53.

The provisions of the original text of the 1239 act are straightforward:

" I, Paul, the son of the late count Hemramus, considering the great devotion that my father bore to the Hospital of St. John of Jerusalem, which was manifested in the donation he made in his 'hereditas' in Strzegom for the remission of his sins, and, wishing to follow in his footsteps for my part, I have given to the same house my 'hereditas' of Pasezno with the mill, and river, and wood beyond the river, and with all the benefit and use which exist at present or may come about; this I have given in perpetuity, with the consent and by the wish of my mother Dobrosyn...."(52)

It may be noted that there is no specific provision for location or settlement, and no grant of German law. It is probable that the fact of direct alienation of the property from the count's patrimony, with all dependent rights, in itself conferred such permission. The grant of the mill is also a significant indicator of lordship and the Order's carrying out demesne cultivation.

It is now time to consider the second act of Count Paul from 1239, containing the provision for the location of Lussyna under German law.(53) There can be no doubt, on the

(52) (undated) 1239, SUB II 171 (AMR 6)

(53) 29 August 1239, SUB II 430 (AMR 7 / CG 2238) The editors of SUB have consigned its publication to an appendix: Loesch's criticisms of the witness-lists are accepted in this case, and reinforced by the palaeographic judgement of a similarity in the hand to an act of 1310 (AMR 199 / SR 3166) for the house in Kosiów. One might add that the two attempts at rewriting the undated 1239 act for the Strzegom house may also in part have been prompted by a desire to harmonise their appearance with the forgery of the act of August 29 1239, whose provisions were the more significant. The dating of 1310 suggests that these three instances of rewriting coincided with the foundation of the new Benedictine house in Strzegom. See above, p 170 Note 33.

palaeographic evidence given by the editors of SUB that the extant version is a forgery with substantial alteration of the original text. In the case of the 'Pasezno' act, the original has survived alongside the two falsified versions, while only this later falsification of the 'Lussyna' privilege is preserved.

The existing, falsified text of the rewritten act of August 29 1239 makes the following provisions:

" I, Paul, the son of count Hyemrammus give notice... that the Brothers of the Cross of Strigon came to me requesting a favour, saying that my men, the residents of their parish, vexed and weighed them down with labour dues and services greater than those which other parish priests had to bear; they asked that I should free them from these impositions, which they ought not to bear, and I, to grant their just request, have absolved them and their lands, in the way that I myself am bound, from all exactions, services and obligations of whatever kind...it is also my wish that the same brothers shall not be expected to buy at their own expense either chalices, or books, bells, rope-cord, flour, charcoal or any other of the necessary provisions for the church, with this exception only, that they shall maintain within their congregation there, two lettered scholars in holy orders as custodians for the ministry of the altar and the church, and shall do this at their own cost and expense." (54)

Rejection of the text in SUB is on palaeographic grounds. Notwithstanding an understandable unwillingness expressed there to speculate on the composition of the text as it stands at present⁽⁵⁵⁾, there is a matter of legitimate interest in the separation of the elements of the act, as it was rewritten in the first decade of the 14th century, from its probable original form. The editors' own commentary is most prepared to exclude the final provision, permission to locate Lussyna under German law,

(54) SUB II 430

(55) "The unusual content, specifically the detailed listing (i.e. of provisions concerning the church's maintenance) gives pause for thought, without, however, allowing one to draw firm conclusions." *ibid.*

on the grounds that Lussyna had already been mentioned in the act of Bishop Cyprian of 1203. Indeed, part of SUB's acceptance of Bishop Cyprian's act as authentic, is premised on the assumption that the provision for its location in the act of August 29 1239 is an interpolation.⁽⁵⁶⁾

This is not, however, a necessary conclusion, nor even a justifiable inference, for location is not equivalent to the creation of a new property, nor is permission to locate synonymous with the grant of a piece of land in order to create a new property. Rather, the meaning of such permission is to be sought in the additional statement of Count Paul's intentions, which appears in this rewriting of later date, namely that the Order's obligations should become of the same kind as those owed by the lord's own privileged demesne property, ("ut teneor" - "as I myself am bound...").⁽⁵⁷⁾

The basis for the original of 1239 probably was a grant of permission to locate the Order's existing possession of Lussyna under German law, and thus to enjoy the privileges of lordship: such grants were frequent on properties transferred from sources other than seignorial lordship; where the transfer had been made from the lord's demesne, such permission might be specified, or simply implied. An example of the latter, implicit permission occurs in the grant of Pazeczyno/Sedlcze, made in the same year. That a 'location' in the sense of redevelopment of the property and the introduction of new cultivators followed upon

(56) cf SUB I 88, see also above, p 167, Note 26

(57) SUB II 430

the grant of 1239 may be readily demonstrated⁽⁵⁸⁾, yet the instrument of donation makes no specific reference.

One may therefore observe in passing that to attempt to chart the development of German or 'new' settlements by a count of 'locations' is futile. The references which apparently refer to this process do not, under examination, indicate that it involved the wholesale plantation which is frequently assumed: while the introduction of new inhabitants clearly occurred in instances where it is not indicated by any location charter, or permission for location or the introduction of colonists.⁽⁵⁹⁾

The elaborations in the rewriting of the August 29 1239 act are themselves informative in that they are indicative of the situation facing the Hospitallers in or around 1310, when the falsification occurred. At that date Prince Henry's privilege of 1272 covering the Hospital's possessions in the town had, presumably, gained acceptance, and it may have been felt desirable

(58) The actual progress of the creation of new properties in the tithe-areas of the churches in Strzegom and Kosiów can in fact be given with confidence since it was at the heart of a tithe-dispute with the bishop of Wrocław, the final composition of which will be described in the following section of this chapter; the information given here on the resettlement of Sedlcze anticipates these conclusions. See below, 188ff. Even without this additional evidence, the change of name is clearly indicative of some reorganisation of the property.

(59) The most familiar expression of these ideas is the chapter written by H. Aubin for the Cambridge Economic History (ed. MM Postan). The model presented there is deeply flawed and misleading. The concepts of 'Ostforschung', 'Siedlungsgeschichte' and 'Kulturboden' are extensively described in M. Burleigh-Germany Turns Eastward. Some particular points in the work of H. Lüpke and W. Kuhn, whose careers and ideas are also discussed there, will be encountered at various points in the present work. It is important to realise, as Burleigh brilliantly establishes, that such ideas represent a particular strand and tendency in German historiography, which although it was originally far from dominant, later acquired its own institutional culture.

to provide some concomitant formulation covering the terms of their original endowment by the comital family, and the 'immunity' covering their two demesne properties outside the town; accordingly the two originals from 1239 came to be rewritten.

What at first sight appears the laying of obligation upon the Order in the act of August 29, could rather have enabled it to enforce traditional obligations owed to the Strzegom church, which were distributed among the surrounding properties; some of these had formed part of the church's original property at the time of its dotation, while others had arisen through later arrangements. Although it was unusual for these to be recorded⁽⁶⁰⁾, an act of February 17 1326 records the earlier existence of one such arrangement in the Strzegom district:

" I, Fritzko Grelleort, hereditary scultetus in Gerschow... since, formerly, my predecessors made a permanent bequest to the lords of the Cross of the Order of St. John of Jerusalem, who were and are in Stregun and to their church, namely of one and a half measures of the best wine, trodden and not pressed and six talents of wax - which they assigned to be taken from my goods and five vineyards in the vill of Gerschow, which belong to the scultetus..."⁽⁶¹⁾

The rewriting in c. 1310 of Paul's act of 29 August 1239 could, accordingly, be pleaded in support of a particular interpretation of the earlier conditions of benefaction: namely that the Order was not expected to meet the costs of maintenance and service of its church from its properties, nor had its privileged demesne status been instituted for this purpose. Moreover, since Strzegom was to serve as the model for the

(60) The start of the practice of recording specific obligations of this kind for the maintenance of a church, especially the provision of wine for the altar, may be observed in an act of the Kłodzko commandery. 29 January 1300, CG 4483/ SR 2590.

(61) 17 February 1326 (unpublished) AMR 18

Order's ownership of urban parishes, such clarification of the original arrangements for Strzegom might be applied with advantage in other cases: in Lwówek, for example, the landed dotation of the parish church was specifically linked in an early act to the defraying of building costs.⁽⁶²⁾ The rewritings of the acts of 1239 helped to provide a corpus of privileges which could be pleaded against unfavourable interpretation of the Order's rights and obligations in Strzegom and in its other town parishes.

The charge laid on the Order to maintain two scholars in Holy Orders in its congregation at Strzegom, whether or not it formed part of Paul's original document of 1239, had significant implications. This was also subsumed into the Hospital's standard terms of ownership of its urban parishes, and provided the foundation for the extensive educational activity which the Order undertook in Silesia. The schools on the Hospital's Silesian properties, especially that in Brzeg, acquired a substantial reputation.⁽⁶³⁾

If one is prepared to forego the doomed ambition of writing the history of Germandom in the East on the basis of the early privileges of the religious orders, these can be informative nonetheless on the development of estates conceived in less

(62) See below, pp 229/30 Note 152

(63) The Order of St. John played a distinguished part among the medieval school foundations of Silesia. Strzegom had its own school from 1385, according to Filla, p 76, where its direction by the Order of St. John is inferred. A possible alumnus, *ibid.* p 80, was a future rector of the university in Leipzig, "Gregorius Steynbrecher de Stregonia, Polonus."

grandiose terms. The status of the Order's Strzegom house and the scale of its property-holding in the Strzegom district was the subject of gradual development and was significantly augmented at various points. In 1277, Prince Henry issued another privilege for Lussyna:

" Henry, duke of Silesia and lord of Jawór... recalling the faithful service which Brother Henry, commander of Stregom has shown us, in gratitude for these, and in recompense of a loan of 13 marks, which he made to us in time of need, we have exempted 5 mansi, situated in Lussyn, which had been freely held from our predecessors, from all payments and exactions and service on expeditions and other burdens of any kind, in perpetuity, desiring that these should be forever freed from any kind of task or duty..."(64)

It is hard to reconcile the existence, still less the language of this eminently feudal privilege with the belief that the 'location' of Lussyna in 1239 was productive of a German community which was thereafter self-governing and hermetically sealed from "Slav" rule; rather, as always, this act involved the extension of the Hospitallers' seignorial franchise. Yet the extent or value of their holding was not substantially altered by such later acquisitions; the bulk of property was conveyed under the original dotation of which the acts of 1239 in their original form marked the completion.

Sedlitz, whose development was completed by 1255 when it appears as a property containing new settlement in the composition of the tithe-quarrel between the Order and the bishop

(64) 22 November 1277, SUB IV 318 (CG 3639 /SR 1552/ AMR 12)

of Wrocław, is later described, in an act of 1305 as a 'curia' of the Order.⁽⁶⁵⁾

Further opportunity for expansion of the Order's property holding within the Strzegom region existed in respect of the subsidiary parishes of the district in addition to the churches on their demesne properties : the Hospital obtained the grant of the parish church of Chmielno (Rauske, near Strzegom) in 1288 by Bolko of Lwówek.⁽⁶⁶⁾ This act was confirmed by Bishop Thomas II on 31 August of the same year, with the provision that the 'plebanus' John should continue in his office for the term of his life, and with a detailed assertion of the bishop's diocesan rights.⁽⁶⁷⁾

(65) 4 December 1305 (unpublished) AMR 17 (SR 2869). Notwithstanding the commentary in the AMR catalogue, it is not clear whether Gunther, the commander in Strzegom was acting in a judicial capacity, "uxori, pueris, ceterisque cognatorum occisi fecit emendam consilio proborum uirorum..congruam et honestam." The situation was complicated by the fact that the accused was Conrad "quondam rector(is) curie in Scedelitz." The duchess Beatrice as ruler, confirmed the arrangement. "Omnes autem prefati habita compositione in iudicio coram aduocato et scabino abrenunciauerunt omni actioni que fieri posset pro omicidio nobis gratas reddentes de iudicio gratioso." This is evidently a one-off instance, which makes judgements on the normal operation of the relative jurisdiction of the prince, the Hospitallers and the commune difficult.

(66) Jarosów, (see also above p 182 Note 61) and Chmielno (Rauske) were within the Strzegom district but not included in the original tithe-area. Apparently they were linked in a grouping in two acts of 1193, which may also have included Lussyňa. An act of 1248 suggests ownership at that date by another religious house (Filla - "Die Dörfer im Striegauer Weichbilde" op cit. 9ff). The donation of the church in Chmielno, and by inference the whole nexus of church property is known from two transumps of 9 April 1304 by Bishop John of Prague: the first of these (unpublished) AMR 350 (SR 2789 /CG 4010, note), records the original donation by Bolko. Its text is given in CG 4010 (SR 2077). A confusion with the privilege confirming the church in Lwówek in 1282 has caused it to be listed in the Lwówek holding. Cf below, p 222 Note 136

(67) The second transumpt of 9 April 1304 (unpublished) AMR 1699 (AMR catalogue also cites SR 2789 here, but there are two separate documents) 31 August 1288, Bishop Thomas's transumpt of Bolko's act of 2 August 1288, with his own additional provisions. Cf below, p 222 Note 136

Subsequent acquisitions were on a lesser scale, although their cumulative effect is not to be discounted. In the 14th century, when more detailed information on minor interests becomes available, the Strzegom house can be seen to have had greater freedom to dispose of its own revenues and to apply them to the development of its local property-holding as a result of the general relaxation of the Hospital's centralised authority. One may equally assume that gifts made locally were the more likely to be applied for the benefit of the Strzegom house.

Two examples of the later form of benefaction can be given in connexion with the Strzegom house.

In 1334, the castellan of Strzegom, Conrad of Cirnen whose name reveals a local connection, made a benefaction for the creation of a new altar in the church of Strzegom, donating an annual rent on the scultetus's property in 'Gebharczdorf' (Udanin).⁽⁶⁸⁾

An act of 1340 describes an arrangement which was a usual concomitant of membership of the Order - the purchase of a rent on property in the vill of 'Pilgrimshayn' (Zołkiewka) to be paid to the Hospitaller Nicholas for the term of his life, and thereafter to be owned by the Order.⁽⁶⁹⁾

(68) 25 July 1334 (unpublished) AMR 19 (SR 5359). Bolko of Fürstenberg and Swidnica records the gift of 2 mansi for the new altar.

(69) 17/23 October 1340 (unpublished) AMR 20 (SR 6504) The legal form was that the son renounced his patrimony in the Order's favour. His father, Netza, undertook to pay an annual rent from his holding in Pilgrimshayn, which would continue to be paid to the Order after Nicholas's death. This is slightly different from other arrangements where a lump sum was transferred on entry and the Order would designate one of its existing properties to provide the annuity from its revenues until the recipient's death.

Such benefaction while useful, offered little prospect of augmenting the Order's property-holding in the region on anything like the scale of its earlier acquisitions. The major rearrangement in the duchy's pattern of land ownership, which had helped to establish the Order's dotal base and its seignorial lordship belonged to the earlier period. One may conclude that the initial provision for the Strzegom house, generous by any reckoning, was related to the enthusiasm and support generated by the Order's crusading association. The later management and development of its interests in Strzegom required careful manipulation, patience and probably, in the second half of the 13th century the outlay of the Order's own funds.

14th-century acts also record the growing power and authority of the commune, which in 1309, 1341 and 1356 entered into transactions with the Hospital in its own right.⁽⁷⁰⁾ These should be set against other indications, some of which have been considered in this chapter of the importance of the prince's authority in questions of justice, defence and local exactions, before any firm conclusion is reached on the scope and range of communal self-government.

(70) 22 February 1309 CG 4848, under which the Prior Helperich of Rüdigheim made an agreement to obtain pasture rights, surrendering property in Georgsberg, whose possession was previously unrecorded; 1 October 1341 (unpublished) AMR 21 (SR 6683), the conclusion of a dispute with the commune's newly-founded leper hospital, with a third of its parish dues assigned to the Hospitalers without performance of any religious duties on their part. (Several of the towns where the Order owned the parish had hospital foundations. Only in Zittau, Lwówek, and Wrocław did the Order undertake this responsibility); 2 December 1356, (unpublished) AMR 22, under which the commune confirms a rent formerly purchased for the Order from Bolko of Swidnica in Poschewicz (Bogdaszowice). There were undoubtedly tensions between the nascent communal bodies and the landed religious corporations who had ancient rights in their towns. Nicholas of Opava issued an order for compensation in 1282 (Bocek VII 776 / CG 3775) following the razing of the house in Grobniki by the citizens of Głubczyce (Hlubice).

(6) The Development of Łosiów

The early circumstances of the donation of property in Łosiów (Lössen) / Młodossouica before 1189 have already been discussed. The donation of the church and parish in Bardo in 1189 was surely intended to foster the development of an independent house comparable to that which has just been described in the case of Strzegom. Once this possibility was removed, through the redonation of the Bardo property to Kamieniec in 1210, the Pogarel family undertook the sponsorship of a compensatory development based on their original grant in Łosiów, whose later history shows some sign of its confused origin, particularly in that the demesne properties of the Hospitallers' lordship there were completely new creations.

Evidence for the development of the Order's possessions in Łosiów is to be found in the conclusion of a tithe dispute between the Hospitaller visiting official, the preceptor Henry of Fürstenberg and Bishop Thomas I of Wrocław. This agreement was recorded by the exchange of two documents, one issued by each party.⁽⁷¹⁾

(71) 4 February 1255: [The preceptor's document], SUB III 145 (Fürstenbergisches Urkundenbuch IV p 437 No 483 / SR 890 / CG 2713) was formerly in the Wrocław archives; [The bishop's document], SUB III 144, (AMR 9 / CG 2713n / Fürstenbergisches Urkundenbuch II, 385), has minor but significant differences, particularly of orthography. The registration of both acts in Grünhagen's Schlesische Regesten is incomplete and at points inaccurate, in particular with regard to the identity and status of the Hospitaller officials involved, see below, p 313 Notes 30/31

The substance of the dispute was the ownership of tithes from newly-created properties.⁽⁷²⁾ In the case of the Military Orders the particular privileges which had been granted to the Military Orders by the Papacy to cover their possessions in Outremer, by force of which they were entitled to possess tithes on lands which they had themselves planted⁽⁷³⁾, probably exerted some influence, even if this is not made explicit. An early agreement between the Temple and the bishop of Wrocław on a newly acquired property, (which was part of a tithe-area not owned by the Order itself), specified that its tithe payment should be at one rate if it remained in the Order's own demesne cultivation, but would owe a higher rate if it were granted out as a fief.⁽⁷⁴⁾

(72) This was the substance of the dispute of 1226/7 in which the two parties were Bishop Lawrence of Wrocław and Henry the Bearded, and which had bearing on the respective claims of lay proprietors and the bishop to the tithe of a group of German colonists. This dispute is frequently incorporated into the narrative structure of accounts of the development of the economic and parochial system of Silesia. Frequently, as is the case in F.X. Seppelt's *Real-Handbuch des Bistums Breslau* and E. Michael-Die *schlesische Kirche und Ihr Patronat*, the two are united. More recently this earlier dispute has formed the starting-point of an essay covering a wide range of tithe problems in a Polish and primarily a Silesian context, P. Górecki, *Parishes, Tithes and Society in Earlier Medieval Poland*, ca. 1100-1250. 1ff. The Hospitaller dispute of 1255 may be helpful in the interpretation of the earlier dispute.

(73) Prutz-Die geistlichen Ritterorden, pp 49, 144-5. There are earlier intimations of the eventual dispute in a letter of Gregory IX to the archbishops of Gniezno, Magdeburg and Mainz renewing several bulls of Alexander III, (11 march, 1223, CG 2045), and an instruction of Bishop Robert of Olomouc on the subject of tithe to the archbishop of Gniezno, dated 21 December 1230 (CG 1971 / KDWP 102). These disputes were clearly not restricted to 'colonising' regions, or the problems addressed in them a specific feature of German settlement.

(74) See below, pp 339 Note 48. In this case the Templars were not owners of the tithe-area and the privilege was granted at the expense of the tithe-proprietor. Where the Orders did own the tithe-area, residual tithe remained payable. See above, p 142 Note 84 and below, pp 331-2 Notes 11/12. The disputes that were concluded in the Wrocław diocese in 1226/7 and 1255 were in both cases presented as though they revolved on whether particular practices or customs should be observed, but the nub in both cases was whether the bishop should retain his absolute right to prescribe in tithe matters.

This agreement made with the Templars shows awareness on the part of one bishop of Wrocław of the particular claims the Military Orders might choose to make to special consideration, as well as the willingness to indulge these up to a point in a situation where the Order did not own the tithe area. The dispute of 1255 covered the apparently more sensitive situation where the Hospital was arguing for a particular interpretation of its rights as owner of a tithe-region conceded by previous bishops.

The Hospitallers for their part were doubtless aware that the ecclesiastical property which they had already acquired depended to a large degree on the goodwill of the diocesan: thus, the Order took care to maintain that they based their claim on the custom and practice of the Polish church.

The prosecution of this claim may have owed something to the appointment of a new official, the first prior of Poland, 'Gedolfus'; when it was refused by the bishop of Wrocław, the matter was referred to the Holy See. The course of the dispute is described in the bishop's act (and in nearly identical language in that of the 'preceptor') as follows:

" Thomas, bishop of Wrocław... since a dispute had arisen between ourselves as one party, and brother Gedolphus preceptor of the Jerusalem Hospital in Poland as the other, over the tithes of all new properties in Stregom and in Lossou, which we, on the grounds of law and established custom, frequently elsewhere enforced by legal judgement, maintained belong to us, in so far as both in the Wrocław diocese, and in all of Poland, tithes which are found not to have been assigned to any particular church, be they old or new, belong of right to the bishop's table; the said preceptor asserted, against this, that these tithes belonged by right of parish and from their privilege as lawful property to the churches in Stregom and Lossou: so, accordingly, both parties were summoned before the archbishop of Gniezno and his co-judge who had been appointed by the Holy See, where, on account of the contempt of the opposing party, we were put in possession of the tithes under the due process, and at the end of a year were judged the true possessors by a

second decree. Thereupon the matter was referred to the Roman curia and there discussed at length. However, since the succession of another preceptor, (*superveniens alter preceptor*) Brother Henricus de Werstenberch, appointed Grand Preceptor for all Germany, Bohemia, Poland and Moravia, we have agreed between us on a lasting settlement.

Firstly, whatever privilege was granted to the church of Strzegom and the brothers of the Jerusalem Hospital by Cyprian, our predecessor of blessed memory, notwithstanding that the addition of new tithes would appear to involve us in loss, we now confirm it fully with the consent of our chapter. We have made over the tithes of all villis named in that privilege, namely those of the town of Strzegom, of Stanouisch, of Chechi and of Cyrne, which is now called Cyrla, Lussina, Lubesov, Renzno To obtain a perpetual memorial in the prayers and merits of the same brothers, we have added, as a special favour, with the consent of our chapter, the tithes of these villis, Grabina, Zedlce or Pasecha, Heyda or Medireche, and of those villis which the brothers have newly located (*de novo locaverunt*) around Lossov, namely Rosental, Buhusen, Jazona, and we also confirm all the tithes which belong by custom to the parish of Lossov. In addition, we confirm, with the consent of our chapter, everything else that the said hospital justly possesses within our diocese, reserving all residues (*residua omnia*) to ourselves and our successors." (75)

As far as the named villis in the Strzegom district are concerned, the Order was the proprietor, or principal landowner only in Sedlitz (Zedlce); thus, the argument citing the rights to tithe on their own new settlements could not have applied. It would appear, rather, that it was the clear geographical delineation offered by Bishop Cyprian's original privilege (itself reliant on a much earlier demarcation of the parish by Bishop Walter) (76) which aided their case. The Hospital therefore obtained the impropriation of tithes from all new properties within the Strzegom tithe-area under the settlement.

In the case of Łosiów, no written privilege being available, existing custom was confirmed. However, judgement was given in subsequent tithe-disputes with reference to custom in

(75) SUB III 144

(76) See above p 168, Note 29. Bishop Walter's designation of the tithe-area was carried out before the Hospital's ownership, although misunderstanding on this point has led on occasion to antedating of the transfer of the church in Strzegom to the Order. cf Silnicki, op cit p 112 Note 1.

terms which make it clear that the absence of written record should not be taken to imply the absence of detailed knowledge of the specific tithe rights of the church in Łosiów. In 1284, an instrument of sale of Bogusław of Pogareł for property bordering the town of Lewin records that the tithe on this land was shared by the proprietor, which was the Pogareł family, and the Hospitalers in Łosiów.⁽⁷⁷⁾ An act of Bishop Thomas II from the same year deserves quotation in the same connection:

" Thomas, bishop of Wrocław... a dispute arose between ourselves and the brothers of Lossow concerning the tithe of Hildebrandi villa, which is situated near Lossen, and the point at issue was that the brothers maintained that it was theirs, while our procurator claimed it for the bishop's table, and since doubt existed on this point, we established from the testimony of several credible witnesses that the brothers had always been in possession of this tithe, from a time of which memory does not survive; accordingly, we have restored this tithe to the brothers and desire that it should belong to them and to their church of Lossow (sic) in perpetuity just as it has in the past.⁽⁷⁸⁾

Both of these acts throw a significant light on the early constitution of the parish of Łosiów. Firstly it is clear that a portion of the tithe which formed part of the original dotation was shared with the Pogarels, the original donors on a number of other indications.⁽⁷⁹⁾ Secondly, it can hardly be disputed that the customary rights which the bishop confirmed in the agreement of 1255, but failed to specify in the documents issued on that occasion, were of a formal and precise nature. It

(77) 29 November 1284 (unpublished) AMR 196 (SR 1859 /CG 3883)

(78) 15 March 1284 (unpublished) AMR 197 (SR 1775)

(79) How the tithe came to be in the ownership of the sponsoring family is a matter of some interest. The family may either have retained it at the time of endowment (if, as seems most likely the parish was formed from tithe-rights formerly in secular ownership); or a subsequent agreement could have been made to exempt the lord's demesne from tithe payment (thus restoring the advantages earlier enjoyed through lay impropriation); in compensation for this concession, the Order could well have obtained some extension of its property rights in the locality. For a similar example, see below pp 200-1, Note 92.

may be noteworthy that the listing of villas owing tithe in the case of Łosiów was not written down; probably this was to avoid providing just such a delineation of the geographical limits of the tithe-area, whose existence in the case of the Strzegom church had prompted the bishop to assign tithes from all new properties.

The information contained in the settlement of the tithe-dispute in 1255 is extremely valuable: it allows definite conclusions to be drawn on the creation of new properties within the whole Strzegom tithe-area, and identifies the proprietary villas dependent on the Łosiów house: Rosenthal, Buhusen, and Jazona (Jeschen). The foregoing comments on the nature of the agreement suggest, however, that the listing of 1255 is not necessarily a complete record of new plantation in the case of the Łosiów district, although it would appear to be so for the Strzegom district.

The initial core, or demesne holding deriving from the Pogarels' donation was the villa of Łosiów itself; the three newly planted villas were of sufficient size eventually to support dependent parishes, and these were also in the possession of the Order.⁽⁸⁰⁾ One may equally conclude that they had been settled well before 1255, since the tithe quarrel was already of long

(80) 12 November 1310, AMR 199 (SR 3166), the 'plebanus' of Rosental was Arnold, and the 'viceplebanus' of 'Buchusen' was Johannes (from the unpublished original in AMR). The 'sculteti' of the two villas also witnessed this act. A 'Johannes' was 'rector ecclesie In Ronzetel' on 4 October 1318, according to Neuling, op cit p 265. H. Richter-Katholische Pfarrgemeinde Lössen, (Typescript in the J-G Herder Institut) 1962, 68 ff, contains more details on the localities of the district than his later Geschichte der Kommende und des Dorfes Lössen.

standing at that date. Recalling the earlier disappointment of the Bardo project, one might suggest the date of transfer of that property to the abbey of Kamieniec - 1210 - as a plausible date for colonisation activity to have started in the Łosiów district. An earlier date is in fact given as firm in De Salles's account, although without supporting evidence.⁽⁸¹⁾

An act of 1238 (after 19 March, the date of succession) issued by Henry II the Pious, granted the vill of Lossowe for location under German law in the following terms:

" Henry, duke of Silesia and Kraków... we have given to the brothers of the house of the Hospital for the honour of God and for their own profit, and to Magister John, brother of the same order, and to other brothers who may succeed him in its rule, the vill, which is called Lossowe to locate by German law (villam...iure...Thevtonicali locandam) and with all lawsuits (iudiciis) in the aforementioned property (hereditate). We have also conferred the full right to judge in all cases of homicide on the same property; when a man has been killed there or is to be condemned to death, our representative (nuncius) is to be present to judge alongside the judge of the vill, in such a way that two parts (i.e. of the profits of justice) shall go to the said house, and the third to ourselves."⁽⁸²⁾

Such is the charter for the location of Łosiów under German law. On any reading it seems perfectly obvious that the creation of a judicial and economic franchise is involved in these 'German law' provisions; rather less so that the creation of a new property, or the Germanising of the vill was involved. The concession of what may be regarded as a particularly favourable judicial immunity with the right of 'haute justice' was

(81) De Salles, pp 246-7 " In 1207 (!) the Knights possessed the the rich commandery of Lossen...to which were attached the villages of Rosenthal, Jeschen and Buchusen, which are still part of the parish of Lossen, as well as, later, Glosenau and Lichten. The commandery of Lossen was one of the most ancient of the Langu of Germany, in the principality of Brieg." This is a word for word translation of Feyfar-op cit, p 67, (rightly, as it turns out) omitting Feyfar's "which Henry I of Silesia founded".

(82) After 19 March 1238, SUB II 146 (SR 514 CG 2195)

subject to certain important reservations; the franchise provided for the Hospital as overlord to take two parts of the profits of justice in capital cases, while the prince was to receive one third; the further implication is that the lord would have received all profits from minor cases.⁽⁸³⁾

The additional significance of this act is that it marked recognition of the transfer of the principal lordship in Łosiów to the Hospital. This was the first such transfer in Silesia; the principal lordships of Strzegom and Wielki Tyniec remained in the hands of the local comital families, and the lordships which the Hospital developed there were parallel creations.⁽⁸⁴⁾

There is further evidence for the expansion of the Order's interests in the Łosiów region after 1255, with the difference in the later developments that these were fuelled by the Order's own revenues and resources. The expenditure of effort in this respect to secure relatively small gains, is indicative, as in the case of Strzegom previously considered, of the fact that the initial dotation and endowment accounted for by far the greatest proportion of the property in the Order's possession;

(83) This division of the three pennies was certainly the usual arrangement. The argument that the Military Orders had an early and full enjoyment of these revenues seems unfounded. SUB, op cit, quotes the opinion of Menzel that the Military Orders acquired 'iura ducalia' and 'haute justice' at an early date on their possessions. That the Order had this jurisdiction on the properties where it occupied the principal lordship does not mean that it possessed such rights where its status was evidently subordinate. See also below, 247ff, especially Notes 213-6 for the Order's lordship in Makowo.

(84) In Strzegom the town was owned by the ducal family, while the comital family was principal landholder. In Wielki Tyniec Count Francis carried out the location of the town. 1282 (undated) (unpublished) AMR 595.

subsequent purchase, and accumulation through more ordinary processes, accounted for comparatively little.

Three documents record the construction of the Order's mill on the Nysa at Wroblin. By the first act of 1257, Nicholas, the son of Boguzlaus of Wroblin records the sale to the Hospital and to Walter, the 'monetarius' in Lewin, - possibly a representative of the Order, - of his family's mill on the Nysa, with provisoes which allow for its maintenance and rebuilding, while reserving the family's use of it and also imposing a rent of two marks - probably as a token of overlordship.(85)

The Pogarels themselves were originally joint overlords of the Wroblin property; in 1297 Bogussius of Pogarel sold the house in Łosiów his rent and judicial rights "in the brothers' mill near Wroblin".(86) In 1310 Nicholaus of Unscalue gave the Order his island in the Nysa, situated "near the mill of the same house, called Wrobelin...purely for the love of God."(87)

The ownership of a mill may be taken as evidence of demesne cultivation. In the case of Łosiów, the demesne properties to be associated with the mill are already known - they were Łosiów itself, and the three new villis of Buchusen, Rosenthal and Jazona. It is noteworthy that they had entered the Order's possession some time before the transfer of the mill.(88)

(85) (undated) 1257, SUB III 258, (AMR 195 / SR 955)

(86) 25 March 1297 (unpublished) AMR 198 (SR 2463 / CG 4366)

(87) 12 November 1310 (unpublished) AMR 199 (SR 3166)

(88) The ownership and construction of mills certainly provide significant evidence, sometimes in the absence of other indications, that demesne cultivation was practised. The ownership of demesne properties may, however, predate the ownership of a mill, as in this case.

A later development of considerable interest involves the process whereby all property interests associated with a given house of the Order, regardless of their status or provenance, or the particular privileges which had been specifically conceded for them, were gradually included under the single terms of lordship which the Order enjoyed on its principal demesne properties. In the 14th century, by a variety of expedients, such general universal privileges might be granted or purchased, initially under a fixed-term agreement. Łosiów itself had an identifiable standing as the first property where the Order had obtained the status and the franchise of a principal landowner; a century later, by an act of 1342, the Order's lordship in Łosiów was recognised as covering all properties dependent on the house:

" Bolesław, duke of Silesia and lord of Legnica..(ordains)..that all the land and fields which belong to the curia at Łossaw can and should be given out or located by the mansus through the whole property (hereditas), in whatever way the brothers wish, at a fixed annual rent in perpetuity and retaining all liberties and lordship just as the brothers have held them hitherto, and whenever it pleases them: and however they may be located, each and every piece of land shall remain free from all exactions in money or in kind and from monetary, obligatory, or communal impositions and requirements, and simply from all common services, and that this provision shall be observed by ourselves and our successors.." (89)

In this way the comparatively large documentary record covering the properties of the Hospital's houses in Łosiów and Strzegom has allowed some description of the processes of development of their demesne properties and other interests, as well as the terms on which they were held. Some of these conclusions may now be applied to assist examination of the development of the house in Wielki Tyniec, the Order's seat in Silesia.

(89) 15 October 1342 (unpublished) AMR 203 (SR 6935).

Apart from the grant of tithe in the parish of the Wielki Tyniec church, which, it has been suggested was most probably effected between 1183 and 1187, the secular and ecclesiastical property transferred to the Hospital's first and senior⁽⁹⁰⁾ Silesian house is not preserved in any document of the 12th or 13th century: there is nothing comparable to the detailed information which can be derived from references in the earliest documents of the Strzegom and Łosiów houses. Indeed, one may be confident that no such written title was preserved and that at a distance of time, the provisions of the tithe-acts themselves stood service as the Hospital's title on general and particular points. Memory and custom were the principal defence and, as has already been seen, an effective one. Further examples from the Wielki Tyniec region may be added to the two already cited in respect of Łosiów, of the adjudgement of tithe on the evidence of customary memory.⁽⁹¹⁾ Privileges had their uses, but both their initial and their subsequent application had almost nothing to do

(90) For the early appearance of the house in Wielki Tyniec as the seat of the Order in Silesia, see below, Chapter 5. Although the house in Strzegom also later had responsibility for other possessions, particularly in Złotoryja and Lwówek, Silnicki, *op cit*, p 113 is mistaken in considering Strzegom to have been the Order's original Silesian seat.

(91) One of two disputes in 1297 was so settled by the 'official' of the Wrocław diocese, whose judgement provides the text of an act dated 19 December 1297 (unpublished) AMR 601 (SR 2482 / CG 4396). In the original dispute tithe from 3 mansi apparently bordering 5 villis within the Tyniec parish was claimed by the procurator of a Wrocław canon. The commander Peregrin successfully defended his case by pleading customary entitlement.

with exact specification or the delineation of every detail of a donation.

Some might argue that the existence only of tithe listings from the earliest period constitutes a genuine negative record and proves the complete absence of landed donation: further, that the demesne properties which can be described in a period of more abundant record, were acquired through a process of gradual accumulation, into which one might weave a tale of locations of new properties, of settlement and colonisation, and the introduction of useful Germans; indeed might even tell, as many writers have sought to do the tale of "Germanisation" in a regional setting along the way, using the documentary survivals as mosaical indicators of the larger picture, which are to be regarded as necessarily fragmentary and preserved only by chance.

Another view is possible, and to be preferred. It should now be clear that the earliest documents had each their own particular purpose and context. They slightly predated the beginnings of the princes' own chanceries in Silesia as in the rest of Poland: they also answered to the Hospitallers' own perception of their administrative needs.

Documents of slightly later date recorded acts or declarations made in the presence of the prince and were drawn up by his officials. When, still later, standard formulations of privileges emerged and documents became more commonplace, they became in some respects less instructive. However, neither the rare individual privileges of the 12th century, nor the concessions of franchise of the early 13th century, nor yet the more commonplace record of smaller transactions from the middle of

that century can be held to offer, in themselves, a comprehensive picture of land-tenure either in Silesia or in Poland as a whole.

Approaching the problem of absence of any early record for the landed property of the house in Wielki Tyniec, one may note a possible implication of the tithe-quarrel with the bishop of Wrocław which was settled in 1255, and has already been discussed. In the settlement of this dispute, the Hospital obtained tithe from all new properties in the Strzegom parish, and around Kosiów the tithe of those villas which they had planted. For no claim to have been made or disputed in respect of the Wielki Tyniec region suggests that, before 1255 at any rate, no new settlement had occurred. This is, admittedly, an argument 'ex silentio', but it may be called in support of a number of other indications, which will shortly be considered.

The first transaction that has been attributed to the house of Wielki Tyniec (almost certainly, as shall be seen, mistakenly) is recorded in an act which has been assigned a date between 1234 and 1240. As was also the case with the originals of the Strzegom acts of 1239, this was drawn up by the Hospitallers on behalf of the issuer, one Count 'Adlardus'.

The terms of the donation are these:

" I, Count Adlardus, have given a portion of my property (hereditas) to God and St. John and to the hospital across the seas and to the brothers of the Cross in Tincia to support the construction of a mill for them to own by hereditary right, with this condition, that the tithe which I pay each year from my ploughlands shall be completely absolved in perpetuity. This agreement was made with the brothers of Tincia, whose names I have had written down Wilcec, Renoltec, Rados..." (92)

(92) (undated) 1234-40, SUB II 197 provides the dating, after SR 429a (CG 885 under 1190 / AMR 587). 'Adlardus' witnesses as 'ducissae camerarius' in charters of 1238-40 (SUB loc cit.) For 'Wilcec' and the circumstances of issue of this act, see below, p 311 Note 19 and p 313 Note 29

This act is preserved among the Wielki Tyniec documentary holding and has always been held to apply both to the Wielki Tyniec house and the Wielki Tyniec property; but, from the text of the act one can be certain only that Adlard's patrimony was in one of the regions where the Order held tithe-rights, where it was in consequence in a position to make the exchange exempting the count's arable lands from the payment of tithe. This could have been at Gostizlavia (Gross Neudorf), Piława or Glinice equally well as at Tyniec.

The act contains, nonetheless, an indication that the Order owned from the start, or had been acquiring, demesne properties in at least one of these areas where they had received tithe-rights, since the possession of a mill is an indication of demesne cultivation. The acquisition of a mill by the house in Łosiów is not significantly later: yet there, demesne properties were owned for some time before the acquisition of the house's mill.⁽⁹³⁾ The tentative identification by A. Lerche of the site of the mill in one of the Tyniec vills, is unsatisfactory and would appear to be contradicted by later information.⁽⁹⁴⁾ There are much stronger grounds for believing that Count Adlard's act of 1234-40 refers rather to the demesne holding of the Hospital in the Piława region.⁽⁹⁵⁾

(93) See above, p 195-6 Note 88

(94) "According to A. Lerche. the mill, if it was ever built at all, would have stood in the neighbourhood of Klein-Tinz (Tyrńczyk)." (SUB loc cit) However, the provenance of the ownership of that mill, is indicated by the grant of a share in it in 1290, see below, p 205 Note 101

(95) Adlard filled the office of chamberlain, and the 'chamberlain's vill' (Kemererdorf) adjoined Piława and was part of its tithe-region. (SUB I89 / 90) The common boundary of the two vills, and the Hospital's ownership of a 'curia' and demesne property in Piława is noted in 1302 (CG 4563)

The acquisition of one of the Hospital's villas in the region of Wielki Tyniec can be reconstructed in substantial detail from a series of documents, which begins with an act of Bolesław II from 1244 recording the declarations made at the ducal court of both parties in an exchange of property:

"Bolesław, duke of Silesia and Poland... count Michael, standing in our presence, and with our consent, resigned in perpetuity a part of his property, which he had bought from his nephews the sons of Lucassius, to the Brothers of the Cross, of whom several attended also, brothers that is to say of Tynchia, receiving in exchange the vill named Grodische, so that the said count M(ychael) along with his heirs becomes the true possessor of that vill. In record of which, and so that the said exchange shall not be disturbed in any way, at the request of both parties, the count and the brothers, we have ordered the present document to be corroborated by our seal..."(96)

Two identifications of Grodische, which the Hospital surrendered, have been offered.⁽⁹⁷⁾ One, Lampersdorf, might credibly be represented as a residue of acquisition in the region of the intended house in Bardo. In any case, the Hospital would have acquired a certain number of properties at the time of their introduction which were not to be conveniently associated with their planned houses: such properties could become the core of a new possession, or, more likely, would, at a convenient date, be exchanged for a more useful property, should one become available.

The failure of Count Michael to specify the site of the vill of his nephews, the heirs of Lucassius, can be explained by the fact that such description would have been otiose. Count Michael was the representative of the comital family in Tyniec and the inheritance of the Lucassii was in Głownino, a vill of

(96) (undated) 1244, SUB II 273 (SR 613 / CG 2311 / AMR 591)

(97) These are discussed SUB loc cit, cf SR 613 which has the preferred identification of the property near Ziębice (Münsterberg)

the Tyniec region: the next two acts in the archival holding make the identification certain.

The first of these, an act of record, issued by Henry III on November 18 1254, covers an extremely involved exchange of property connected to the settlement of a law-suit:

"Henry, duke of Silesia... we have granted to the brothers of the Hospital in Tincia 14 small mansi from our large clearing in the same place, lying adjacent to their curia in Glovnino, which they chose as compensation for their vill of Iacubow; these same mansi Count Johannes Doyca bought from us with a view to presenting them to the said brothers, and did this on account of the law-suit between himself and his relations, Domazlaus and his brothers over the requisition of the vill of Lucassevici, which shall now cease, with Domazlaus and his brothers receiving Iacubow as their property"(98)

The nature of this complicated settlement may be described with reference to the act of 1244. The Hospitallers gave up one of their properties, Jacobów, in order to settle the claims of Domazlaus and his relations, whose grievance was related to the requisition of the vill of Lucassevici, the subject of the transfer to the Hospital in 1244. For the settlement of the outstanding claim of Domazlaus at their expense, the Hospital received in compensation property from the prince's clearing, which Count John Doyca had purchased for this purpose.

The Hospital gave up a property, whose situation is unspecified, but was, probably, like 'Grodische' in the preceding act available for such purposes; they received an addition to their existing holding in Glovnino, which formed part of the Tyniec nexus. The additional force of this settlement was that the Hospital were enabled to keep the property acquired through that earlier transfer.

(98) 18 November 1254, SUB III 137 (CG 2696 / SR 885 / AMR 593)

The strong circumstantial proof of the proximity, if not the identity of Głownino and the vill of the Lucassii (Lucassevici), is supplied by a third act, by which a small, (probably residual) property-holding of that family in Głownino was purchased by the Order, a transaction also carried out at court:

" Henry, duke of Silesia and lord of Wrocław... Naczeslaus, the son-in-law of Domoslaus Lucassewiz appeared before us, and, being of sound mind, sold to the brothers of the Cross of Tyniec two mansi situated near Głowin with all their facilities and revenues as they are marked out within their boundaries, and with the tithe, which the said brothers are accustomed to receive each year, and he has freely resigned their possession for 35 marks...allowing them to benefit or make use of them in any way they please, and the same Naczeslaus has renounced these mansi for himself and his relations in perpetuity, and from all legal action in respect of the same..."(99)

The vill of Głownino (Glofenau) is therefore the first demesne property in the region of Tyniec that can be identified in the Order's possession from documentary sources. However, its acquisition involved the progressive removal from ownership and lordship of a branch of relations of the comital family. (The family's former status of lordship is also indicated by their responsibility for the collection of tithe, which is implied by the provisions in the act of 1282.) It is unlikely, that only the property acquired from the descendants of Lucassius was involved in the creation of the Hospital's holding in Głownino, since the act of 1254 shows the Order in possession at a time when their title to the Lucassii's former property was disputed. Therefore it may be inferred that this dispute was exacerbated by the Order's accumulation of property in a place

(99) 16 April 1282 (unpublished) AMR 594 (SR 1701 / CG 3783)

where the Lucassii family exercised the principal lordship. The resignation of 1282, although involving a small portion of the total estate may mark their final replacement by the Hospitalers as lords.

It would seem that the comital family of Tyniec, although sponsors and benefactors of the Order in the Tyniec region, whose principal lordship they held, effected the transfer of the demesne property in Głownino for the Hospital's benefit at the expense of their relations. A direct alienation from the patrimony of the main branch of the family is recorded in 1290 by an act of sale at the ducal court:

" Henry, duke of Silesia and lord of Wrocław... our fidelis, Michahel, called Wilschitz, of Tinz, has sold, in our presence, his property situated in Tinz of 13 mansi to the brothers of Tinz of the house of the hospital of St. John of Jerusalem for 13 marks of Wrocław weight, with the same law and honor (eodem iure et honore) in which the same belonged to him; with the provision that, should the said property be found to measure either more or less than the 13 mansi specified, then the computation of the price is to be adjusted accordingly. The sale also includes a part of the mill and fish-pond which belonged to the same Michahel, with no condition of measurement,... and we add that Peter of Lindauia sold the remaining share of this mill to the brothers and resigned his ownership in our presence, with his wife." (100)

It may be noted here that the site proposed at Tyńczyk for the mill granted in the donation of 1234-40 should rather be associated with this donation (101): however, that neither the property conveyed under this grant, nor Głownino was the first demesne property held by the Hospital in the Tyniec district is suggested by an act of Prince Bolesław, from 1306:

(100) 30 November 1290 (unpublished) AMR 599 (SR 2172 / CG 4132)

(101) See above, p 201 Note 94

" Bolesław, duke of Silesia and lord of Wrocław...bearing in mind the pressures and grave burdens which the vills and properties of the brothers of St. John of the order of the Hospital in Jerusalem, that is, Thincz, and Glovini, and Racziniwicz and Thinczia Michaelis, have hitherto had to bear under Polish law...we have absolved, removed, and in every way liberated the said vills and allods and all their inhabitants and dependencies from Polish law, which is commonly called "scuda", and we grant and concede to the said properties and to all their inhabitants Teutonic law to enjoy and rejoice in for ever, so that they shall be held to answer under Teutonic law and none other..."(102)

This is a grant of German law, rather than a location under German law. The phrasing specifically excludes the possibility that the creation, or even the resettlement of properties is involved; rather the force of the concession or privilege has to do with exactions and obligations imposed on the inhabitants. Whether or not the peasants rejoiced in their Teutonic law, the principal and the intended beneficiaries were the Hospitallers themselves. Such a privilege constituted recognition of the Hospitallers' lordship and created a particular form of judicial and economic franchise for their benefit. Clearly, too, these properties were not created by this act. The history of the Głownino property is already known: one or other of the two Tyniec holdings here listed, 'Thincz', or 'Thinczia Michaelis' (it is not possible to say with certainty which) was surely that acquired from Count Michael in 1290.(103)

This leaves two demesne properties, one being Racziniwicz, and the other whichever of the two Tyniec vills was not acquired in 1290, as possessions, whose acquisition was not previously recorded. The implication, to which the fact that no contentious demesne properties were created in the Tyniec area

(102) 18 January 1306, CG 4710 (SR 2877 / AMR 604)

(103) 'Thinczia Michaelis' appears in Bishop Cyprian's act of 1203 and the papal bull of the same year. (SUB I 89 / 90)

before 1255 may now be added, must be that these two demesne properties formed part of the original dotation of the Order, and were transferred at the time of the endowment of the house in Wielki Tyniec in 1183-7.

Appropriate contextual examination of the Hospital's surviving documentary record produces the conclusion that no explicit and comprehensive listing of the sum of the Order's property rights was intended to be conveyed: at various points it has been seen how the possibility for further specification existed but was not made, for example in the two forms of listing of tithe-areas employed by bishops Zyrosław and Cyprian, or the two separate descriptions of the tithe-areas of Strzegom and Łosiów in Bishop Thomas's act of 1255. To this may now be added the conclusion that the demesne holding of the Order at the time of its endowment in the tithe-areas linked to the Wielki Tyniec house was not specified in any part of its twelfth-or thirteenth-century documentary holding. A series of supplementary acts records the acquisition of Głownino, while one of the Tyniec estates was a late benefaction. Two of the Wielki Tyniec properties, however, were not mentioned until 1306.

Demesne holdings in the Piława tithe-area are indicated by Count Adlard's act, and by a number of references from fourteenth-century records.⁽¹⁰⁴⁾ It seems likely that these too were owned from the time of original endowment, although some

(104) There is some question whether Piława should be regarded as a house of the Order, although the title of 'commander' was associated with the property held there. See below, pp 233-4 Notes 168-73

processes of adjustment and rearrangement clearly occurred. The same early origin might reasonably be inferred for the Order's holding in Glinice, although this is first referred to in an act of 1353, by which Bolko of Swidnica sold the commander in Wielki Tyniec the revenues collected by two ducal officials in Wielki Tyniec, Glinice and Karczyń.⁽¹⁰⁵⁾

In conclusion, this survey of the transfer and development of the original dotation of the three first Silesian houses of the Hospital, establishes three comital families in the respective districts as sponsors and benefactors of the Order at the time of endowment; their subsequent involvement in the development of the properties, entailed in varying degrees the use of their own status, influence, and local standing, as well as the deployment of portions of their patrimony in order to secure the creation of lordships for the Order.

Of the three houses considered so far, that in Wielki Tyniec occupied a position of seniority, and was (albeit for most of the period only nominally) the seat of the Order's senior official in Silesia. The evolution of the Order's structure from the middle of the thirteenth century, and particularly from 1291 onwards, assigned a special significance to the Wielki Tyniec demesne goods, and a series of transactions involving them provides evidence of the rise of a series of Silesian nobles to high office within the Order: the original sponsoring family was

(105) 22 January 1353 (unpublished) AMR 634

prominent among them. Donations made at entry and the purchases of officials of high rank within the Silesian hierarchy brought the Order two new demesne villis in the fourteenth century, Karczyń⁽¹⁰⁶⁾ and Radomierzyce.⁽¹⁰⁷⁾

Three authors who have attempted to outline the history of the Hospital in Silesia, - Feyfar, De Salles, and B, Szcześniak, - have suggested a particular role of sponsorship at the time of the Order's introduction for Prince Henry the Bearded. More facile observers have linked Prince Henry's supposed favour of the Order with his no less suppositious Germanism. Others have been more cautious about this relationship, and, it can now be seen, with good reason.⁽¹⁰⁸⁾

(106) Half shares in Karczyń were purchased by Dietrich, commander of Wielki Tyniec in two separate purchases: 11 November 1346 (unpublished) AMR 627 from Henryków (acquiring as title the instrument of 20 September 1335 (unpublished) AMR 620, with confirmation of payment 13 January 1348 (unpublished) AMR 631; the share of the Wrocław burgher Christian of Kant was donated on 23 September 1347 (unpublished) AMR 630 (acquiring as title the instrument of 24 March 1344 (unpublished) AMR 624). The act of 22 January 1353 (unpublished) AMR 634, discussed on the previous page, recorded the Order's purchase of certain princely rights in Tyniec, Glinice and Karczyń. The latter had been, as a vill in split ownership, available for purchases to make provisions for family matters, as in the act of 9 September 1321 (unpublished) AMR 613 (SR 4154), which was later acquired by the Order of St. John among its titles.

(108) Radomierzyce was formerly a property of the Tyniec family. Prior Michael, as commander in Tyniec, exchanged properties there in order to recover the Tyniec house's demesne estates; 20 March 1312 (unpublished) AMR 606 (SR 3261). Two privileges conveying exemption from labour services were obtained by Michael: 28 October 1329 (unpublished) AMR 615, and 19 October 1331 (unpublished) AMR 616 (SR 5059). Thus the property was already described as an estate of the Order before the purchase of Ulyan's holding for 170 marks; 28 October 1342 (unpublished) AMR 622 (SR 6944).

(107) Feyfar, op cit, 67ff credits Henry with the foundation of commanderies or hospitals in Łosiów, Wrocław, Lwówek; De Salles, op cit, pp 246-7 repeats this information. Zientara-Henryk Brodaty, *Vir virtuosus et utilis populo*, (chapter) provides a detailed examination of the devotional interests of Henry, his wife St. Jadwiga, and his father, Bolesław the Tall, from which the Order of St. John is rightly excluded. I am grateful to Czesław Deptuła for pointing out to me that the views I originally acquired on Prince Henry's relationship with the Hospitallers were completely erroneous.

(8) The Acquisition of Town Parishes in Silesia.

(i) Złotoryja Goldberg)

The good relations which the Hospital enjoyed with Henry IV⁽¹⁰⁹⁾ may be contrasted with its conflict with the previous senior Silesian duke, Bolesław, which produced the following papal commission to investigate the Order's complaints:

"Clement IV... to the dean, prepositus and scholasticus of the Vysehrad church in the Prague diocese... Our beloved sons, the prior and brothers of the Jerusalem Hospital in Poland have complained to us that the noble Bolesław, duke of Silesia, in the diocese of Wrocław, has caused them injury in respect of the tithe, lands, revenues and possessions of the church of Aureus Mons, to which the said prior and brothers have full legal title; therefore we charge you by apostolic letter, at your discretion, to summon the parties and hear the case, and having taken the evidence to give a decision, ensuring the acceptance of what you may decide through ecclesiastical censure, with the provision that you shall not lay a sentence of excommunication or interdict on the land of this noble without receiving our special mandate."⁽¹¹⁰⁾

This legal action against Bolesław was contemporary with similar law-suits mounted by the Order in Rome in respect of claims in Pomerania and in Austria.⁽¹¹¹⁾ The outcome of the Silesian investigation did not, apparently, favour the Hospital, since two documents from 1268 and 1269 indicate that the 'plebanus' of the church remained a ducal chaplain, one Conrad Hake⁽¹¹²⁾; nonetheless, the Hospital did ultimately obtain possession of the

(109) See above, pp 175/6, 184

(110) 1 July 1267, SUB IV 24 (CG 3266 / SR 1266, Wrocław transcript)

(111) The papal commission for the Austrian claim, addressed to the dean of Olomouc, 27 June 1274 is CG 3540; for the Pomeranian law-suit of 1269-70, see below, 273ff

(112) 20 December 1268, SUB IV 82 (AMR 228/9), 24 February 1269, SUB IV 91 (AMR 230)

church, and their grievance against Bolesław could well have had some foundation.

The date of transfer of the Złotoryja church remains problematic. Colmar Grünhagen, in 'Schlesische Regesten' has devoted an extensive note to a passage in a much older work, Sutorius's 'Geschichte von Löwenberg', which gave a date of c. 1270.⁽¹¹³⁾ Grünhagen's comments are apposite, but his own knowledge of the "charters in Złotoryja" cited by Sutorius as the source of the date, is limited to the registrations of Smitmer and Schwandner.⁽¹¹⁴⁾

In fact, the documents of the Złotoryja church from the period predating Hospitaller ownership were acquired by the Order, and are now preserved in its Prague Archive. With this knowledge of the original documentary holding of the Złotoryja church, it is possible to state, with some confidence, that Sutorius's date is indeed derived from the last document predating Hospitaller ownership, which was issued in 1269.⁽¹¹⁵⁾ Grünhagen's conclusion, that the Hospitallers had some rights in the church around the turn of the century, in its vagueness reflects the

(113) " "In c. 1270 Duke Bolesław the Bald granted the Hospitallers several church patronages, among them that in Goldberg." From Sutorius, *Gesch. von Löwenberg II*, 51 citing the charters in Goldberg." SR Vol 7 (2) p 128 (note).

(114) These two archivists, whose registration of acts in the Prague and other archives were used by Grünhagen and the editors of 'Schlesische Regesten' in place of direct knowledge of the original acts, did not apparently indicate clearly the provenance of the documents which they summarised or transcribed. Most of those cited in SR are in fact in the Prague Archive. Publication in the continuing series of SUB has been from Prague originals: Maleczyński, in KDSI and in his article on the Hospitaller archive at the time of its relocation in Orlík, drew attention to the valuable supplementary material, but his own publication was restricted to the earliest documents. Supplementary information will be given in these footnotes for individual cases, where necessary.

(115) SR loc cit. credits this observation to Hensell's marginalia in a copy of Sutorius's work. The last act before Hospitaller ownership does appear to be that of 24 February 1269, (SUB IV 91)

fact that the earliest certain reference to the Hospital's ownership, in 1328, is too late to be helpful.(116)

The impression that the acquisition was made some time earlier is, however, reinforced by a phrase in the act of 1269, which also appears to refer obliquely to the contested possession. In recording the grant of an allod to his chaplain, Conrad Hake the 'plebanus', Prince Bolesław's document made the following condition:

"...once he (Conrad) has followed the way of all flesh the said allod shall belong to the church of St. Mary (in Złotoryja) for the sustenance of its ministers and to enable it to display more widely the hospitality due to the poor of Christ (pro...et hospitalitate Christi pauperibus ab eisdem propensius exhibenda perpetuo pertinebit)"(117)

This allusion to the usual phrase describing the work of the Hospital may be considered unusual for an act securing a benefaction to a parish church, and could have provided a way of recognising the Hospital claim and of alluding to an intention to make the church over at Conrad's death, but in deliberately equivocal terms. Churches subsequently transferred to the Hospital in Silesia remained in the possession of the incumbent for his lifetime.(118)

(116) "Nonetheless it is clear from the old documents that in or before the year 1300 the Order owned rights in the Goldberg churches." (SR loc cit, quoting Hensell's marginalia). However, the earliest document in the Złotoryja holding in AMR is dated 25 August 1328, (unpublished) AMR 232 (SR 4761). Neuling, whose work is an effective index of SR for church matters, has no earlier reference. [AMR 231, (undated, c.1320) is a notarial instrument and copy of a bull of John XXII dated 9 October 1320 on the transfer of Templar property; its inclusion in the Złotoryja holding raises interesting questions, but allows no definite conclusions.] AMR 232 names as commander in Złotoryja one "Rudegenus"; this is probably Rüdigeim, the site of a Hospitaller house in Hesse, and surname of a family associated with, and occupying high rank within, the Order.

(117) SUB IV 91. It should be noted that SR 1332 (from Schwandner's Vienna Ms.) does not give any indication of this phrase. (118) This was specifically provided for in the case of Chmielno, the Strzegom filiate and Dzierżonów, and is indicated also for the churches in Brzeg and Lwówek.

Once the example of these later donations is admitted, the context of the dispute with Bolesław also receives clarification. The privileges obtained from Henry IV for Strzegom and the extension of the demesne property there which have already been described, so too the later grant of Ciepłowoda (Warmbrunn), all originated in the Order's financial subvention of certain of the Silesian princes against the background of their fierce mutual rivalry; later, there would be a price to pay for this policy. Nonetheless, at any time, for churches to have been explicitly granted or conveyed under such an arrangement would have outraged canonical practice, and any formal mortgage agreement or reference to the same is, for this reason, unthinkable.⁽¹¹⁹⁾ This circumstance would also, naturally, make the revocation or ignoring of any arrangement which involved the promise of a church's transfer that much easier.

While it is not possible to reach any conclusion on whether the Hospitallers succeeded in obtaining the grant of the church in Żłotoryja during Bolesław's rule, - they would in any case have needed to wait for the vacancy, - it seems certain that the claim would have been enforced at the first opportunity under his successors. Bolesław's first successor in the Lwówek principality, Bernard, was beholden to the Hospital in a greater degree, as several alienations (presented either as donations or as sales), demonstrate; these included the donation of the parish of Henry the Bearded's new-town foundation of Lwówek itself, as well

(119) See below, 223ff where, in the transfer of dotal property for the Ciepłowoda house, alienation of landed property is recorded as a sale, while the alienation of ecclesiastical rights are recorded as donations.

as the extensive alienation which permitted the endowment of the Ciepłowoda house. Bernard's successor, Bolko, was also a benefactor, probably under similar circumstances, granting the Order the church in Chmielno (Rauske) and additional rights in Ciepłowoda. Among the alienations made by these two princes the quiet and unrecorded transfer of the Złotoryja church is to be assumed.

In this way a model can be introduced for a series of transfers which vastly augmented the Hospital's property-holding in Silesia; above all these brought into the Order's ownership the parishes of some of the largest Silesian towns, benefices which had traditionally been granted to the first rank of the princes' clerical servants. The power to grant out these prime benefices evidently presented a temptation for princes anxious to raise large sums at short notice. The additional temptation, - to revoke an agreement which was canonically unenforceable, - was in future obviated by the Hospitallers' more cautious approach.

(ii) Brzeg (Brieg)

In contrast to the case of Złotoryja just considered where everything surrounding the transaction is uncertain, or perhaps deliberately concealed, the Hospital received the donation of the parish of Brzeg in the glare of publicity. Henry IV made the donation in Vienna in the presence of King Rudolf, while the recipient for the Order was the Hospital's visiting 'magnus preceptor', Hermann of Brunshorn.

The document recording the act is dated 4 March 1280. That 1280 is the correct date has been conclusively demonstrated by Delaville le Roulx.⁽¹²⁰⁾ Grünhagen, believing that a choice existed between 1280 and 1284, was possibly inclined to the later date by the existence of a document of 1283 concerning the Brzeg church, from which it is clear that the Order had not taken possession by then; the fact that the document of 1283 was issued after the donation of the church but before its transfer has significant implications, which will be considered shortly.

The donation of the church was received in Vienna by Hermann of Brunshorn, who employed the title of "magnus preceptor per Alemanniam et Poloniam"⁽¹²¹⁾, and under this same style visited Silesia in the following year to accept the donations of

(120) 4 March 1280, SUB IV 387, (CG 3718 / AMR 533 still gives the incorrect dating of 7 March 1284; AMR 534 is given as undated, 1284 / SR 1770 is after Schwandner). CG's dating of 4 March 1280 has been established by reference to the Austrian witnesses and must be accepted. Where Delaville le Roulx writes of three separate examples of the original, the third may be assumed to be the transumpt of Adam of Racibórz, 24 July 1299, (unpublished) AMR 536 (SR 2559)

(121) For Hermann's title and office, see below p 319 Note 63

Lwówek and Ciepłowoda. He was thus the responsible official acting in the acquisition of three major new properties. His activity can be seen as representing a change of policy, or at least of procedure in respect of the acquisition of new properties. The litigious habits of previous years were no longer to be indulged, but the desire to extend the Order's European presence and property-holding, given the situation in the East, was all the stronger. The political situation in Silesia afforded particular opportunities, while the Hospitallers were willing purchasers.

The parish of Brzeg is easily identifiable as an object of the Hospitallers' ambition. It was the regional capital of the district, later an independent principality, where two of their houses, Wielki Tyniec and Łosiów were situated. As in the case of Żłotoryja, the parish of Brzeg had been used as a benefice for the Silesian princes' chaplains. The incumbent, who was not a Hospitaller, witnessed an act of 1283 touching the property of the Brzeg church: but, rather than assuming that Henry intended to repudiate the transaction he had so ceremoniously performed in 1280, one should read the provisions of the act of 1283 in the context of the earlier donation to the Hospital, and as part of the preparation for eventual transfer. They are as follows:

" Henry, duke of Silesia and lord of Wrocław...since the vill, called Minkenow, which belongs to the property of the Brega church, has from of old been located under Polish law (*polonico jure sita*) and produced a moderate income for the church (*modicum eidem ecclesie commoditatis afferret*), and since it cannot, without our licence, be located under German law, or turned to more profitable uses, and since we wish to make better provision for the same church, we have made an exchange with the honourable man, Bernard the prepositus of Meissen, the priest (*plebanus*) of the church, by which we have

restored the vill in question to our own lordship, so that the priest and his successors shall have no future right there, excepting the tithe which the cultivators and inhabitants of the vill pay...in compensation for this we wish to provide the church with two vills bordering on our town of Brega, of which one is called Rathayka and the other Old (Antiqua) Brega. These we have granted freely, completely and irrevocably to the church, within their measured limits, which comprise 49 small rentable 'mansi', of the kind called "flemingici" - not including the 'mansi' of the 'schulteti', which by right of location, they may choose to have. From each 'mansus' the priest shall receive half a mark as annual rent, this not to include the 'maldratae', which already belong to him as tithe-payment. By a special act of our munificence we have added to our grant the rights of the 'schultetus' in two vills, with all the services and payments which they owe to us, and all the produce and utilities of the meadows, pastures, scrub, and swamp, and of all dependent land, within the limits of the properties, to own in perpetuity as their property." (122)

This act provided the church in Brzeg with a viable demesne property and appropriate rights of lordship, which it had clearly not previously possessed. The special arrangement for the impropriation of the 'mansi' of the 'scultetus' meant that, as elsewhere on the principal demesne estates owned by the Hospital and Temple, the 'scultetus' could be installed by the lord under obligations of vassalage. (123) The particular status of the prince, not only as owner of the town, and of the two properties outside it named in this act, of which one was the original

(122) (undated) 1283, CDS IX Urkundenbuch der Stadt Brieg, p 224 No.6 (AMR 535, SR 1729)

(123) There was formerly some debate on whether the office of 'scultetus' should be regarded as one held by the official of an overlord or by the head of an autonomous community. W. Kuhn's Introduction to 'Die deutschrechtlichen Städte identifies the recognition that the title covered a variety of situations, and could include the appointment of a princely official as a permissible concession from the 'German' to the 'Polish' side. The persistence of confusion is apparent in the formulation of H. Samsonowicz, covering thirteenth-century conditions, in the most recent general work, M. Bogucka, H. Samsonowicz-Dzieje miast i mieszczaństwa, p 53 Notes 34-6 where 'sculteti' in urban and other settings are not distinguished. The privileges of fourteenth-century city corporations have regularly been assumed to be identical with the terms of settlement of immigrants involved in small-scale peasant repopulations, or the creation of market towns in the ownership of feudal proprietors. It should be abundantly clear that the 'sculteti' in this act were not urban officials but the 'headmen' (or vassals with knightly status) of demesne vills located under German law. On the Templar estates in Silesia and Lubusz the 'sculteti' clearly held their property and offices under the terms of a fief.

settlement (Antiqua Brega), is noteworthy. As in Strzegom, the representation of the town by communal officials makes a gradual appearance. Complete and formal autonomy is to be placed in the next century. (124)

While the arrangements of 1283 may be seen as a preparation for the transfer of ownership, the actual date of the transfer is unrecorded. It certainly occurred before 1299, since in that year the 'villicus' of Schreibendorf (villa scriptoris) near Brzeg acknowledged the payment of a 2 mark rent to "the lords, the brothers of the Cross, resident in the parish of Brzeg (cruciferis dominis in parrochio Brezenzi residentibus)" (125)

This same year of 1299, although it may seem late for the actual transfer, given that the original donation had been made in 1280, saw a bout of official activity on the part of the Hospital in respect of the church in Brzeg: in this year a copy of the privilege of 1280 was obtained from the notary Adam of

(124) The model proposed by W. Kuhn—Die deutschrechtliche Städte, loc cit. is scarcely recognisable in the conditions of the thirteenth century. Since Kuhn is quite explicit in his intention of assuming the conditions of Magdeburg or Kulm law which are described in the fourteenth century to have applied to any identifiable 'location' of whatever kind and of whatever date, the source of the error is evident. Samsonowicz, loc cit. appears surprisingly willing to incorporate a similar error into his account at several points. The misidentification by Kuhn of the Hospital's proprietorial town of Makowo as a 'failed' location, will be considered below (pp 249–50, especially Note 215). The case of Strzegom, where the prince was clearly still 'overlord' following the town's location, and continued to exercise authority over its affairs throughout the period of emergence of the communal authority has already been described.

(125) (undated) 1299 (unpublished) AMR 537 (SR 2536) Schoenborn-Brieg, p 32 gives the villis of the parish of St, Nicholas in Brzeg as "Paulau, Briegischdorf, Schüffelndorf, Hermsdorf and Schreibendorf."

Racibórz.⁽¹²⁶⁾ Since an arrangement is to be assumed that the transfer would only take place at the next vacancy, it is conceivable that the Order was obliged to wait until this date.

The first reference to an (unnamed) commander in Brzeg, occurs in one of a series of documents concerning the church in Kościerzycze (Nonavilla) recording its acquisition by the Brzeg house in 1335.⁽¹²⁷⁾ Against this a donation of 1345 of a property in Jankowice, which was apparently made to the Brzeg house and was eventually administered as part of its property was received by the Bohemian prior, Gallus of Lemberg.⁽¹²⁸⁾

There are later, more distinct positive indications of the existence of a commander and convent (doubtless small) in Brzeg.⁽¹²⁹⁾ One Walter of 'Colonia' was active with the commander's

(126) 24 July 1299, AMR 536. This year also saw the transmuting of the 1272 Strzegom privilege by Bishop John of Wrocław, (5 November 1299, AMR 16 / CG 2571) whose provisions (see above, p 175/6 Note 44) were capable of application to the property held in the town of Brzeg.

(127) These are preserved in a later notary's document from 11 January 1374 (unpublished, AMR 548). The fourth document in this letter, from 29 August 1335 records the donation of this filiate parish to Gunther of Piława who acted as proxy for the 'Commandator' in Brzeg. (Gunther's own title was itself not one which can necessarily be assumed to have carried with it conventual responsibility. (See below, p 234) Schoenborn-Brieg (in an appendix) p 372 Note 27 considers the question of whether two separate 'commanderies' in Kosiów and Brzeg existed prior to the Reformation. An earlier writer, Stehr, who gave a date of 1334 for the "foundation" of a commandery was criticised by Grünhagen as editor in *Ueber die Stadt Brieg* p 14. However it is clear enough from the references given here that the commander's title was separately applied to the possessions in Brzeg in the fourteenth century.

(128) 5 September 1345, (unpublished) AMR 540, in which Prior Gallus confirmed Henry of Bischofsheim's testamentary bequest of his allod of 7 mansi in Jankowice. On another occasion property in Jankowice was treated as pertaining to the Oleśnica house; this raises the possibility that a former Templar interest was involved, and a property there could have been originally comprehended within the old Wigzów parish, where the Temple are known to have received an original donation. It seems most likely that a later rationalisation brought the property in Jankowice under the control of the Brzeg house.

(129) This phrase occurs in two acts of 29 October 1343 (unpublished, AMR 539) and 19 February 1354 (unpublished, AMR 541)

title from 1354.⁽¹³⁰⁾ In 1372 the 'Commendator sive Rector ecclesiae sancti Nycolai in Brega' was one Conczko.⁽¹³¹⁾ If the intervention of the Prior in 1345 can be ignored, the fourteenth-century record suggests that the office of commander was regularly filled.

With the existing dotation of the urban parish and the special arrangement of Duke Henry recorded in 1283, which brought it two demesne properties near the town, the property of the church in Brzeg approximated to the type of aggregate holding which had been gradually established in the houses of Wielki Tyniec, Strzegom and Łosiów. There is later evidence, too, that the Hospitaller house here was treated as a property-owning body of the first rank. An act of 1342 records the jurisdiction of the 'commendator'.⁽¹³²⁾

(130) AMR 541. The earlier act of 1343 implies that the office of commander of Brzeg existed at least notionally, that of 1335 that it could be unfilled. Walter's purchase by this act of 1354 of a rent in the Heyda property, which formed part of the Strzegom tithe-area may (as in Note 128) have formed part of the financial provision made at his entry to the Order or at his promotion to the rank of commander.

(131) 16 August 1372 (unpublished) AMR 546)

(132) 10 February 1342 (unpublished) AMR 538 (SR 6753)

(iii) Lwówek (Löwenberg)

The instrument of donation of the patronage of the parish church in Lwówek was issued by Duke Bernard of Lwówek in 1281.⁽¹³³⁾ The arenga, "Si loca religiosa", is identical to that used for the donation of the church in Brzeg, although another was used for the donation of Ciepłowoda, which was made on the same occasion as the Lwówek transfer. In all three cases the 'intervention' of the 'magnus preceptor', Hermann of Brunshorn, is indicated.⁽¹³⁴⁾ The presence of "Bertoldus, plebanus de Lewenberc", among the witnesses indicates that the Lwówek church, too, would have had to await a vacancy before its actual transfer.

Bernard's act was confirmed by Bishop Thomas in a document dated April 19 1282, with an extensive statement reserving the disciplinary rights of the diocesan.⁽¹³⁵⁾ This date of 1282 for the episcopal confirmation may indicate that the Lwówek church was taken into the Order's ownership relatively quickly, and if the transfer was indeed contemporary with the confirmation of 1282, it could in fact have been the first of the large town parishes actually to have been received.

(133) 18 March 1281 SUB IV 406 (SR 1655 / CG 3745)

(134) For the itinerary of Hermann of Brunshorn and his companions, see below, 224ff where the Ciepłowoda donation is discussed.

(135) 19 April 1282 (unpublished) AMR 349 (SR 1703 / CG 3745 Note)
The formulae used here and in other confirmations of similar date by the bishops of Wrocław provide for the rights of the diocesan to be observed employing a comprehensive formula. Although it is not proposed here to enter into detail on the question of the exemption enjoyed by the Hospital, it is clear here as in other cases that the terms of much later quarrels are not of direct relevance. The situation addressed by the Hospital's general privileges was one where a degree of episcopal tolerance was necessary for a religious order to function at all within a given diocese. Bogdan-Sprawa wyjęcia appears at fault on this point.

The situation surrounding the transfer of the church in Lwówek, which would appear to be the most straightforward of those to be considered in this section, has been needlessly confused by an error in the early cataloguing of the Prague archival holding, which has produced misleading information in *Schlesische Regesten*. There is no second act of donation of the church in Lwówek by Duke Bolko in 1288 nor a second episcopal confirmation in the same year. (136)

(136) Delaville le Roulx CG 3745 (note) corrects the phantom listing of SR 2064, which redates the confirmation of 19 April 1282 to 1288, but is himself at fault in publishing as CG 4011 information from SR 2079 and 2080. These four entries, CG 4011, and SR 2064, 2079 and 2080 do not exist. The source of the error is miscataloguing of the two transumps recording the donation of the church in Chmielno in 1288. Both are dated 9 April 1304. The first (AMR 350) is in the Lwówek holding, and is a transumpt of Bolko's act of 2 August 1288: the second is in the Wrocław holding (AMR 1699) and is a second transumpt of Bishop Thomas's transumpt and confirmation of AMR 350, which was dated 31 August 1288. The contents of these documents have no connection with Lwówek: however, a dorsal comment in an 18th-century hand to AMR 350 runs, "vidimata donacio juris patronatus ecclesiae in villa Rusch s. Lodwisdorff, hodie dicta....Lemberg." This caused the information to be misapplied to Lwówek in SR 2079 and 2080, and, in a further mangling, the 1282 confirmation to be redated to 1288 in SR 2064. A further error is that the two transumps of 1304 receive a single listing as SR 2789.

(iv) Ciepłowoda (Warmbrunn)

On the same day, March 18 1281, as Prince Bernard of Lwówek donated the parish church of Lwówek to the Hospital, he also issued an instrument with a differing arenga recording the donation and sale of the property of Callidus Fons (Ciepłowoda / Warmbrunn); this place as its name suggests, achieved later fame as a hot-spring and spa resort, although it is not certain that these curative activities can be placed in the Hospital's period of ownership. This extensive alienation of property was recorded in the following terms:

" Bernard, duke of Silesia and lord in Lewenberg...at the intercession (interveniente) of the honourable, religious and industrious man, brother Hermannus de Brunshorn, the magnus preceptor of the houses of the same Hospital throughout Germany and Poland...we have granted to the Order to possess in perpetuity the place which is called Callidus Fons, in the Wrocław diocese with two hundred and fifty mansi, with meadows and waters and water-courses, with fishing and hunting rights, and with its villis, and with all its rights (omni iure plenitud(ud)ine) for the salvation of ourselves and our ancestors: in addition we have sold to the same brothers and transferred to them for the sum of one hundred marks and two vases of wine, a further 100 mansi, to possess by proprietorial right in perpetuity; and we renounce, for ourselves and our heirs, all canonical and civil rights, whether established by statute or by custom, and the right to charge by letter under any form of words, except where there has been fraud, or outside the district covered by the price and sale...for those who rent or cultivate the said mansi (mansionariis eciam seu colonibus mansorum eorundem), from the time they receive their holdings and begin cultivation, we grant freedom from every kind of service and obligation: and we add the following to the above conditions, that if anyone should attempt to usurp their rights in these properties, we completely absolve the brothers from (defending) petitions or law-suits to this effect."(137)

The reference to canonical rights is noteworthy, because no separate title covering ecclesiastical rights, tithe, or the patronage of the church in Cieplowoda, all of which the

Order nonetheless possessed, survives. If such a transfer including church property was made in this first transaction of 1281, this would have inhibited its being recorded as a sale; as it is, a part of it only is itemised as having been a sale. The sale by the same prince of a further property of 100 mansi, called Zachun, was recorded on 13 July 1281.⁽¹³⁸⁾

The recipients of this second act, issued in Jelenia Góra, (Hirschberg) were the Hospitallers in Strzegom. This provides significant evidence for a regional division of responsibilities between the older houses. A connection of the Strzegom house with the Lwówek and Złotoryja churches, perhaps too with former Templar possessions in the Swidnica region may also be postulated.⁽¹³⁹⁾ This is distinct from the conduct of business by the nominal head or senior commander of the Order, a role which was discharged at various times by the resident official in all three of the original houses in turn.⁽¹⁴⁰⁾

The attendance of officials of the Hospital in Germany at the transfer of Lwówek and Ciepłowoda is, nonetheless a matter of considerable interest. Hermann of Brunshorn's title and function is best understood as that of a visiting official, whose authority superseded that of all local officials of the

(138) 13 July 1281, SUB IV 418 (CG 3762; AMR 14 also records a dorsal inscription in a 13th or 14th century hand: "privilegium supra calidum fontem"; SR 1667)

(139) 23 June 1335 (unpublished) AMR 351 (SR 5470) records the purchase of a rent on a Lwówek property to provide an income for a Hospitaller in the Strzegom conventual body: the final devotional aim was, however, connected to the Lwówek church. This administrative link with Strzegom may suggest the absence of any conventual body in association with the Lwówek church.

(140) See below, 315ff where it is established that the resident head of the Order in Silesia in this period was the senior commander Thilmann of Kosiów.

Hospital, not only the senior commander, - at this date Thilmann in Łosiów , - but also the Polish prior appointed from time to time in the Bohemian priory, and the office of the Bohemian prior. At this date his commission covered Germany and Poland and he was accompanied by the prior of Heimbach, who was the resident official with responsibility for the western German province of the Hospital.⁽¹⁴¹⁾ This German prior and his companion, Conrad 'Thuringus', witnessed the Lwówek donation in a position of precedence to Thilmann of Łosiów: only the two German officials witnessed the Ciepielowoda act.

A subsequent donation made to the house (clauastro) of Ciepielowoda by Bernard's successor, Bolko of Lwówek, in 1288 was made "honorabili viro et religioso domino Conrado commendatori Fontis Callidi".⁽¹⁴²⁾ If this is the same individual as Conrad the Thuringian, then here, rarely, is strong circumstantial evidence for the direct involvement of the German Hospital in a project of foundation and plantation with some suggestion of separate control. In this case the involvement of the Strzegom house in the second donation of 1282 may reflect a temporary arrangement of supervision while the establishment of the new house was in progress.

(141) The German hierarchy, the appointment of these visiting officials and the scope of their activity will be discussed in Chapter 5.

(142) 20 March 1288, CG 3993 (SR 2060, from the Hermsdorf Archive) The permission to maintain a tavern conveyed in this privilege was an important feature of lordship. The loss of the Ciepielowoda possessions in the fourteenth century was proved by Heyne (loc cit), who suggested that they may have been removed as early as 1360 to provide a fief for Gotsche Schoff. Heyne publishes two acts from 1381, and dated 6 January 1384, which enumerate his possessions including Ciepielowoda.

(v Dzierzoniów (Reichenbach))

The last acquisition of a parish in the period under consideration (the Order's church in Koźle was acquired in the 15th century, though earlier rights may have existed there) was made in the town of Dzierzoniów, the regional centre for the Order's property and interests in Piława and Glinice.

The donation is recorded in two acts of Bolko of Fürstenberg: the first was issued on 11 April 1338⁽¹⁴³⁾; the second was issued on 3 June by the same prince under a different style with the additional description "of Ziębice" (Münsterberg) replacing "in Swidnica", which appears in the first version.⁽¹⁴⁴⁾ Both donations were made to the Grand Prior Gallus of Lemberg, described as prior of Bohemia and Poland in the first act, prior of Bohemia only in the second; at that date, the title "of Poland" in the Grand Prior's style was both implicit, and in a Silesian context irrelevant. Apart from these minor differences, the second act contains the following provision:

" We have given the right of patronage of the church in the city of Reychenbach, purely for the sake of God, to lord Gallus, brother of the Cross, prior in Bohemia of the Order of St. John of Jerusalem, to possess and to control once lord Hermann the 'plebanus' there has died, with all the same right, custom, mode and form (omni eo iure, consuetudine, modo et forma), by which the brothers of the Cross in Strigonia and elsewhere own and control their parish churches..."⁽¹⁴⁵⁾

(143) 11 April 1338 (unpublished) AMR 94 and 95 (SR 6090): the second of these is a transumpt.

(144) 3 June 1338 (unpublished) AMR 96.

(145) *ibid.*

The first presentation to the church was made by Andreas, commander of Wielki Tyńiec in 1340⁽¹⁴⁶⁾, which indicates that the Order had a relatively short time to wait before gaining possession. The 'plebanus' appears in an act of 1349 as the representative of the property; however, a commander, Nicholas, is recorded in an act from 1363.⁽¹⁴⁷⁾

The context of this final acquisition was doubtless similar to those already noted: there were, however, other claims on the Order's funds at this date; specifically money was being raised and spent in furtherance of the Order's ambition to secure adequate and appropriate dotation of the house in Wrocław, as well as to recover through purchase rights inherited from the former Templar house in Oleśnica. The purchase, if it was a purchase, in Dzierżoniów was the last of its kind, and the properties obtained there were soon employed along with the estates of other houses to raise funds for these two important projects.

(146) 16 June 1340 (unpublished) AMR 97 (SR 6461)

(147) 30 August 1349 (unpublished) AMR 99 records an agreement to submit matters of dispute with the community of Austin hermits in the town to the arbitration of certain ecclesiastics and representatives of the commune. 14 May 1363 (unpublished) AMR 102, whose provisions are discussed below, p 235 Note 174

9) The Dotal Endowment of the Hospital's Town Parishes

A feature already remarked upon of the parish churches which the Hospital acquired in Silesia in the last quarter of the 13th century was their previous use as benefices of the Silesian princes' chaplains: these, as court servants, had access to the chancery for the purpose of recording the dotation of their churches or significant alterations to it. The documentary record which survives in the Hospital's Prague Archive is a correspondingly rich source for the town parishes of Silesia in the 13th century.

In gaining control of several of the principal town parishes of Silesia, the Hospital obtained valuable property interests: yet, the transformation from parish to house or commandery of the Order, if indeed this occurred, is by no means easy to describe.⁽¹⁴⁸⁾ The appropriate dotal endowment of a parish, no matter how large and important, was different in kind to what might be considered the appropriate endowment for the support of a religious house. Although the churches and dependent estates of the houses in Wielki Tyniec, Strzegom and Łosiów may certainly be regarded as religious houses, whatever parameters of organisation, representation or economic support are set. For the new acquisitions, some process of adjustment was necessary.

(148) It is frequently asserted that the appropriate classifier of a Hospitaller or Templar house is the 'commandery'. However, the rank of commander was not assigned before 1250, and thereafter there were certain anomalies in its use. Heyne-Bisum Breslau, I 291ff contains by far the best early attempt at a count of 'commanderies'. In this section it is intended to consider the actual property-base of the Hospital's 'houses' and churches in Silesia.

In Brzeg, where two new estates were acquired by the parish before its transfer, this probably occurred in preparation for the Hospital's ownership: here, the purpose of the transaction - to provide an estate that might be held under terms of seignorial franchise - was made explicit. The references to a conventual body and the lordship of the commander in the fourteenth century have already been discussed.⁽¹⁴⁹⁾

By contrast, the acquisition of a new dotal property by the incumbent for the church in Złotoryja, made at a time when the Hospital had at least a pretension to the church and possibly the promise of its reversion, did not provide any opportunity for the exercise of lordship. Two acts record this transaction, the sale of a former possession of the 'advocatus' of the town by his daughter Benedicta: one, a document issued by the commune in 1268⁽¹⁵⁰⁾, the other Prince Bolesław's confirmation of the transaction given in the following year.⁽¹⁵¹⁾

In Lwówek, the Hospital inherited the unusually detailed confirmation of the church's dotation given by Henry the Pious in 1241⁽¹⁵²⁾; according to this act an estate in the

(149) See above, pp 216-7 Notes 129/30

(150) 20 December 1268, SUB IV 82, (AMR 228 and 229 / SR 1321, from Schwandner's registration is very unsatisfactory. What is referred to as a dorsal note is in fact part of the text. The names of the 'magister burgensium', Sidelmann of 'Salburc' and witnesses are omitted, also the details of the legal resignation of the property before the 'iudex provincialis' Conrad of 'Senenber'

(151) 24 February 1269, SUB IV 91 (AMR 230 / SR 1332, under 21 September 1269) Further details absent from the registration after Schwandner, are the name of the property, 'vbershcare', which is lacking in the earlier act and its characterisation as an estate comprising three Franconian 'mansi'. The witnesses, including several citizens of Złotoryja are also unrecorded.

(152) SR 569 / AMR 347

neighbourhood of the town was to be made over to the parish once it had served the purpose of meeting the building costs of another church. Złotoryja and Lwówek may represent special cases, being new foundations of Henry the Bearded's reign, and it is probable that from an early date property which might be held as, or might become, a lord's demesne was not available in their vicinity. The rise of the power and authority of communes made the acquisition of new properties under seignorial franchise all the more difficult in those towns where the Order owned the parish. In Złotoryja, it is noteworthy that the purchase of 1268 was approved by the commune before it was confirmed by the prince; but equally noteworthy that the prince did confirm the transaction and controlled the parish before its donation.

The wealth of the parishes might derive in each particular case from a variety of sources, including traditional tithe portions, which could have considerable financial significance. In Brzeg the Order had the right to a tithe from tolls.⁽¹⁵³⁾ In Złotoryja, a mining town, a gold-share was assigned to the church⁽¹⁵⁴⁾: this may have been a more profitable source of income than actual tithe-rights, since there is a suggestion that

(153) 16 January 1357 (unpublished) AMR 545. Princess Catherine of Brzeg procured an agreement between the bishop and the Hospitallers in Brzeg on their respective shares of toll in the Brzeg and Oława districts. The claims of both parties are most likely to have originated in a tithe entitlement of far older date ("ab antiquis habere dinoscitur"). It is also generally notable that any ownership of tithe comprised a residual portion which the bishop might claim. Under this agreement, the payment of tithe on tolls was to be made directly from the treasury, and the determination of the respective portions to be paid was made through designation of set periods in either case during which the whole revenue would be made over.

(154) 10 June 1349 (unpublished) AMR 237

the prince's property in the district had its tithe reserved.⁽¹⁵⁵⁾ Although these records appear at a relatively late date, they can be credibly represented as having bearing on agreements instituted at the foundation of these two towns, or at the transfer of their parishes to the Hospital.

In Dzierzoniów the Order were able to inherit a dotal estate held under terms of seignorial franchise. The privilege of 1262, by which Prince Henry III gave $7\frac{1}{2}$ 'mans' in Ernstesdorf, including judicial franchise, for the dotation of the church while it was still under the ownership of the chaplain, Henry, is possibly to be regarded as an unusual concession for a parish church.⁽¹⁵⁶⁾ Henry's successor obtained a confirmation of this privilege from Henry IV in 1290.⁽¹⁵⁷⁾ Under Hospitaller ownership this combination of privileges would have stood service as the title to seignorial franchise on the property.

The settlement of a dispute, recorded in an act of Henry IV from 1282, provides an instructive insight into the ownership of property and rights within the town area, which the 'plebanus' owned, and the Hospital in due course inherited.⁽¹⁵⁸⁾

(155) This is made apparent in a donation of Václav of Legnica under which the prince's tithe is specifically reserved. 14 August 1359 (unpublished) AMR 239

(156) 23 June 1262, SUB III 412, (AMR 90 / SR 1128 under 23 June 1261-3? is from Schwandner and two Wrocław archive copies. The editor of SR was unaware of the location of the original).

(157) 24 June 1290 CG 4107 (AMR 93 / SR 2141)

(158) 27 June 1282 (unpublished) AMR 92 (SR 1714, where, again, the information from Schwandner is incomplete, and no witness-list is given.) The chaplain and parish-priest Henry obtained redress from the prince and an award of compensation over a number of grievances against Conrad the hereditary 'iudex' of the town; additionally, it was provided that meat-stalls for the use of the 'plebanus' should be made available in the town's market.

All the town parishes had defined tithe-areas at their transfer, but only that of Lwówek is listed in detail in any act contemporary with its creation, when the existence of a filiate is also recorded.⁽¹⁵⁹⁾ However, partial information on the processes of evolution of the parishes, the delimitation of their tithe-areas and the creation of smaller filiate parishes within their boundaries is occasionally provided. Compensation was given to the church in Dzierzoniów in 1258 when the chapel in Peterswald was elevated into a separate parish.⁽¹⁶⁰⁾ A dispute over the obedience of the vill of Culerdorph was resolved through the choice of the inhabitants, - since the facts of the case could not be established, - in favour of the Dzierzoniów church.⁽¹⁶¹⁾ The church in Brzeg received tithe from a number of vills which in due course supported their own filiate parishes, to whose number the church in Kościerzycze was added through its resignation to the Order by its lay proprietor in 1335.⁽¹⁶²⁾

While it seems firmly established that the Hospital enjoyed full freedom of disposal of these new interests, their transformation into houses or 'commanderies' of the Order (once it has been decided what significance is to be attached to this description) remains less clear.

(159) SR 569. Under this act, in addition to tithe-rights donated by the bishop and the prince, building revenues temporarily assigned to another church, the church of S. Bartholomew with its 4 mansi in Borisserffin, were to revert to the church in Lwówek after completion and the church itself was to be its filiate. Górecki's recent essay-Parishes, Tithes and Society discusses the processes of parish creation in Silesia in this period. The work of E. Michael on the subject was flawed by an insistence on recognising only German / 'German law' / located parishes. These three entities he took to be equivalent and capable of a specific legal, cultural and economic definition.

(160) 13 February 1258, SUB III 264, (AMR 89)

(161) 24 February 1268, SUB IV 53 (AMR 91)

(162) AMR 548. See above p 219 Note 127

It is appropriate in this connection to consider a fuller range of material dealing with the property of the Order in Piława. It has hitherto been usual to count Piława among the original houses or commanderies of the Order dating from the early period of acquisition.⁽¹⁶³⁾ A tithe-area in Piława, and by inference, landed property there certainly formed part of the original project to which the act of 1183-7 of Bishop Zyrosław alludes.⁽¹⁶⁴⁾ It is also most likely that Piława was the site of Count Adlard's donation of permission for the construction of a mill in 1234-40 and the site of demesne cultivation.⁽¹⁶⁵⁾ The 'curia' of the Order there is mentioned in an act of the duchess Beatrice from 1302.⁽¹⁶⁶⁾

Nonetheless there is no succession of heads of the Piława house, as is the case with Wielki Tyniec, Strzegom and Łosiów, or evidence of conventual life there. The single appearance of a commander in Piława, - of Theoderic in the thirteenth century, - appears to be a case of the use of a courtesy title by a former 'magister'.⁽¹⁶⁷⁾ After 1290, particularly, the usefulness of a subsidiary or courtesy title based upon the Piława property can be seen in the new circumstances of the Order's operation

(163) For example, De Salles, p 253 associates "sans doute" the foundation of 'les commanderies de Kosel et de Beilau' with the activity of Hermann of Brunshorn, after Feyfar p 80, who contents himself with indicating a date of foundation in the second half of the century. Szczesniak op cit. p 19, inaccurately quoting De Salles' already mangled information, brackets Złotoryja and Piława as foundations of Henry the Pious. The title of A. Lerche's study appears to promise an account of the development of the 'commandery' of Piława (as well as that of Alt-Zülz (Białą), where the Order held the church).

(164) See above, pp 153-4 Notes 2-4 (SUB I 56/57/89)

(165) See above, pp 200-1 Note 92 (SUB II 197)

(166) 2 May 1302 CG 4563 (SR 2709)

(167) See below, p 315

which generated its own internal politics. It is possible to catch glimpses of the careers of the Order's new class of associates and members. One of these, Gunther held the title of commander of Piława in the early fourteenth century, first appearing in 1317 when he obtained permission for two censual 'mans' that he had purchased to be held under terms of franchise, that is without the payment of certain princely obligations.⁽¹⁶⁸⁾ Gunther subsequently appeared as the proxy of the commander of Brzeg in 1335⁽¹⁶⁹⁾ and as a subordinate in a general listing of commanders in the Silesian province.⁽¹⁷⁰⁾ By 1345, however, the Piława estate had been mortgaged.⁽¹⁷¹⁾ The high-ranking official, Knecht of Hugelwitz made provision for his own annuity by a purchase in Piława in 1355, and it would appear that by this date the property was under the effective control of the commanders of Wielki Tyniec who purchased the right to levy princely exactions due from the estate for a fixed term on a number of occasions.⁽¹⁷²⁾ Finally, an act of 1373 recorded the permanent attachment of the property in Piława to the house in Wielki Tyniec.⁽¹⁷³⁾

(168) 29 April 1317 (unpublished) AMR 607 (SR 3681). Under this act Bernard of Fürstenberg allowed Gunther to purchase 2 mans' which would be held exempt from exactions, or as the text has it, be converted into a 'hereditas', so long as they were retained in demesne by Gunther and his successors as commander of Piława.

(169) AMR 548

(170) 29 November 1331 (unpublished) AMR 754 (SR 5070) Prior Michael recorded purchases made by Kitthel of Kitlitz. The commanders of Brzeg (Dietrich), Piława (Gunther), and Łosiów (Conrad) witnessed the act.

(171) 13 February 1345 (unpublished) AMR 626 Jüngling, called Cyrner, returned an estate in Piława which had been pledged to him for a 40 mark loan after repayment.

(172) A relatively large number of such purchases are recorded, Gunther obtained a concession on this point in 1334 (AMR 619), which was followed by a series of fixed-term purchases and other concessions of exemption, AMR (unpublished) Nos. 623 (1343), 637 (1355), 639 (1356), 644 (1364), 648 (1369)

(173) 29 September 1377 (unpublished) AMR 650

For the houses of the Order which had originated in the grants of the larger town parishes the same half-existence as 'commanderies' might be postulated. There was not, one may be certain, conventual life in all of them, as there was in the more established houses. Although the record must admittedly be considered fragmentary, the appointment of commanders in these parishes appears irregular and where such officials appear, as with Gunther in Piława, a particular context for their activity can usually be supplied. Thus, the commander in Dzierzoniów, Nicholas, witnessed an act of 1363 to raise a mortgage on one of the church's estates alongside the commander of Wielki Tyniec; the large sum of 160 marks was raised, almost certainly to fund purchases for the dotation of the house in Wrocław⁽¹⁷⁴⁾; this commander had the same family name 'of Gubin'⁽¹⁷⁵⁾ as the former 'plebanus' John, who appeared in 1349.⁽¹⁷⁶⁾

The family name of the commander, John, who is documented in Złotoryja in 1349⁽¹⁷⁷⁾ was Ber, and one Nicholas Ber was a near-contemporary commander in Poznań.⁽¹⁷⁸⁾ The purchase by Walter of Colonia, the commander in Brzeg, of an annuity in Heyda, is comprehensible in terms of a donation made at the time of his entry into the Order.⁽¹⁷⁹⁾

(174) 14 May 1363 (unpublished) AMR 102

(175) It is given in 22 January 1364 (unpublished) AMR 104

(176) 30 August 1349 (unpublished) AMR 99

(177) 10 June 1349 (unpublished) AMR 237. The earlier commander, also named John was a different individual (de Grusba). 8 February 1336 (unpublished) AMR 235 (SR 5563).

(178) KDMp 1264 (1348). See above p 146 Note 92

(179) AMR 541. See above p 219 Note 130

As far as the number of the Order's own clerics is concerned, the terms of their ownership obliged the Hospital to maintain two clerics of their Order in their town parishes, although later agreements suggest that this condition was not always respected.⁽¹⁸⁰⁾ The earliest general survey of the conventual bodies in the Bohemian and Moravian houses was recorded during the visitation of 1373.⁽¹⁸¹⁾

It also seems clear that appointments of commanders in the subsidiary provincial titles constituted one level, somewhat higher than the ordinary, of entry into the Order. The admission of this class of entrant, who brought with them desirable property-holdings purposefully acquired, was a practice similar to the purchase of annuities on the Order's estates with the income to revert to the Hospital at death, which was usual

(180) See above p 179 Note 54, and pp 182/3 for "Strzegom terms". A donation for the establishment of a new altar in Lwówek, 3 March 1355 (unpublished) AMR 354, specified that a mass should be said by a member of the Order, with a fee and penalty if this condition was not observed.

(181) The general visitation had been ordered by the Order's central authorities to satisfy its own and papal curiosity as to the extent of the Order's wealth, and was conducted in the prague diocese by Archbishop Jan Oczków. The figures from this enquiry are given in De Salles-op cit, p 259. and have some comparative value. Thus, for the main convent in Malá Strana, there were 17 chaplains, 9 serving-brothers and 2 knights, while the church of Na Bojišti had one chaplain. The remainder of the houses had congregations as follows: Strakonice (3 churches) 15 chaplains, 4 serving-brothers; Ploskovice 1 chaplain; Mladá Boleslav (3 churches) 3 chaplains; Světlá 6 chaplains and 5 serving-brothers; Zittau 12 chaplains; Kłodzko 13 chaplains and 1 serving-brother. These numbers probably transfer readily to the Silesian situation, with the churches in Żotoryja and Lwówek, for example, supporting a smaller body, probably restricted to the number of priests required for the service of the altar: and the more established houses having a higher number of resident Hospitallers, who could be described as a conventual body. In the eastern Pomeranian province, and in Poznań, fourteenth-century witness-lists suggest a similar situation. However, exact information from the Wrocław diocese is not available. Religious orders who had impropriated parishes there long resisted episcopal visitation, according to H. Richter-Die Visitation der Johanniter-Kommende Lössen im Jahre 1610.

for the ordinary membership.⁽¹⁸²⁾ Transactions accompanying the entry or promotion of members of a select and powerful group of families who aspired to the highest rank in the Order were on an appropriately grander scale.⁽¹⁸³⁾

The relative importance or standing of the houses in the fourteenth century Silesian province is also demonstrated by the direction of revenues towards two particular projects: the first of these was the recovery and reconstitution of the former Templar property of Oleśnica⁽¹⁸⁴⁾, while the second, of slightly later date, involved the securing of an adequate dotation for the Order's new house in Wrocław.⁽¹⁸⁵⁾ These new priorities also brought about the elevation in rank of the titles of the two houses of Wrocław and Oleśnica to a position of seniority immediately below the headship exercised by the commander of Wielki Tyniec. If the prior retained the Tyniec title, his deputy would be either the commander of Oleśnica or of Wrocław.

(182) 23 June 1335 (unpublished) AMR 351 This purchase of a rent in Lwówek for a brother in the Strzegom house indicates that service overseas was still contemplated as a normal feature of membership. Again, in an act dated 16 November 1354, (unpublished) AMR 635, the Bohemian prior recorded the purchase by Knecht of Hudevitz, his deputy in Poland, of a rent on the Order's property for the benefit of a Hospitaller Peter, wherever he might be stationed (*ubicumque locorum in ordine fuerit constitutus*). The revenues at Peter's death were to be divided between the house of Wielki Tyniec and that in Zittau. Several further examples of the purchase of annuities could be given: these transactions played a significant part in a continuing expansion of the Hospital's property interests throughout the fourteenth century.

(183) The purchases of Michael of Tyniec, Knecht of Hudevitz and Dietrich commander in Wielki Tyniec have already been described. Those of Kitthel of Kitlitz for the house in Oleśnica will be discussed below. For their careers and the rise of Prince Ziemowit of Tesin and Havel of Lemberg in the provincial hierarchy see below, 319ff Chapter 5 Section 5.

(184) See below, Section 10

(185) See below, Chapter 6 Section 3

The original endowment of the Hospital in Silesia was effected in several localities. Three have been indicated for the period 1183-7, and a further four by the end of that century, even before the transfer of the church in Strzegom. In these regions the Order received the right to impropriate tithe and to own churches, and was able through its crusading promotion to assemble the total endowment of three houses: through its own financial outlay, it was later able to direct its purchasing power towards the town parishes.

There remained some property interests which were not associated with any of the original houses or estates, such as those the Hospitallers in Wielki Tyniec made use of in exchanges to increase their demesne holding in the Tyniec region. There is also a donation made by Bolesław the Bald in 1251 at the request of two brothers, called the Bolzones, of an estate called Wilscof, which can not be associated with any particular house. (186)

Particular interest attaches to two properties in the Wrocław district, since the Order long remained without representation in the Silesian capital. These are first mentioned in an

(186) 6 December 1251, SUB III 21 (CG 2578 / AMR 592 / SR 778)
This document is held in the Wielki Tyniec section of the Hospitaller Archive, but the property does not reappear as a possession of any Hospitaller house. The only additional circumstantial indication to its siting is that the Hospital may have renounced a grant of tithe here at the time of their initial endowment (see above, p 154/5 Notes 4 & 5), but as Delaville le Roulx rightly points out the name is a common one. A feature of interest is the withholding of judicial franchise in the donation. ("libere possidendum... exceptis nostris juribus, que advocatia proprie nuncupatur, quam pro nobis volumus observare.")

act of location for the vill of 'Razomericz' issued by the Prior of the Hospital in Poland and Moravia, Crafto de Bogsbergk, in 1269.⁽¹⁸⁷⁾ This contract with the 'locator' specified that the rent due to the Order as lord, should be paid to the 'curia' in Turów (Thauer).⁽¹⁸⁸⁾ The latter was still in the possession of the Order in the 14th century⁽¹⁸⁹⁾: on the evidence of this act, the acquisition of both properties should be placed before 1269.

The Hospital's second 'curia' in the Wrocław district was referred to without being named in an act of 1273.⁽¹⁹⁰⁾ The Hospital were, however, neither overlords nor tithe impropiators there, since these rights belonged to the canons of St. Mary on the Sands in Wrocław.⁽¹⁹¹⁾ Information on the actual situation in Herdein can be substantially reinforced by reference to the

(187) 18 September 1269, SUB IV 102 (after SR 1331) The locator was the 'scultetus' in 'Perzvericz' who was to receive 2 free 'mansii' and the third penny of the profits of justice. The prior appears in the capacity of overlord in making this grant. SUB IV loc cit. quotes arguments against the association that was formerly made between this act and the town of Dürrjentsch.

(188) At the end of the one-year grace period the colonists were to pay an appropriate rent, and in addition each owe one day's labour at the summer and winter sowing to the 'curia' in Turów. Summary in SR loc. cit.

(189) In 1207 and 1265 the church was in the ownership of the Holy Cross foundation in Wrocław (Neuling, op cit. p 320). However, an act of 14 November 1366 (unpublished) AMR 1719, by which the 'plebanus' in Turów recorded a sale of one 'mansus' belonging to the 'scultetus' in AMR was presumably later acquired as title.

(190) 25 October 1273, SUB IV 212 (AMR 1697 / SR 1434 / CG 3520) The subject of the act was the share of the Schertzelan family of Wrocław burghers. The principal feature of the property, which was in divided, possibly multiple ownership, was its silver-mine. Cf Note 193

(191) The tithe-ownership is made explicit in an act of 1245 (undated), (AMR 1696 / SR 631), which was confirmed on 24 February 1283, (unpublished) AMR 1698 (SR 1742). The overlordship of the abbey of St. Mary's in Wrocław is apparent from the issue by the abbot of acts from 1319 (AMR 1704 / SR 3904), 1326 (AMR 1706) and 1338 (AMR 1708).

holding of the Wrocław commandery in the Prague Archive. The provenance of several of the major interests in the property later acquired by the Order, which comprised shares of its silver-mine, is well documented. The first of these acts predating the Hospital's ownership, but later used by the Order as titles was a grant by Abbot Vincent of the abbey of St. Mary on the Sands (Sandstift/ Klasztor PM Na Piasku) in Wrocław in 1245: the same provision was confirmed in 1285.⁽¹⁹²⁾ Before the Hospital obtained this and other holdings, they were frequently transferred between a number of families of Wrocław burghers.⁽¹⁹³⁾ The eventual sale of one of at least three principal shares for 400 marks to the Hospitallers occurred when they were already owners of the chapel of Corpus Christi in Wrocław.⁽¹⁹⁴⁾ It is probable that in 1273 they held only a single major share.

(192) AMR 1696 and 1698. This property of 3 'mansi' had changed hands at the time the earlier title was confirmed in 1283.

(193) An estate of 5½ mansi (possibly the same as in 1273) was sold in 1304 [4 July 1304 (unpublished) AMR 1700 (SR 2798)] to one Conrad: and thereafter in 1309 to Herman and Solomon, who were Wrocław burghers [3 April 1309 (unpublished) AMR 1701 (SR 3051)]. The interest was divided between the two families, a situation revealed by an act of 1318 [12-18 November 1318 (unpublished) AMR 1703 (SR 3854)]. A separate share made over by one Katherine to her husband John in 1314 [27 August 1314 (unpublished) AMR 1702 (SR 3415)] was possibly the same as that exchanged by John 'Schertzelan' burgher of Wrocław for other possessions in Bogdaszowice (which can also be identified as a vill in split ownership where property was available for the Hospital to purchase later in the century), in 1319 [28 March 1319 (unpublished) AMR 1704 (SR 3904)]. On the same day another transaction involving an estate of identical size was permitted by the abbot of St. Mary's [(unpublished) AMR 1705 (SR 3905)]. John and Jacob Schertzelan's former estate was the subject of a renunciation by another family of Wrocław burghers in 1326 [26 April 1326 (unpublished) AMR 1706]. Herdein's estate was provided as a dowry under the guardianship of a Wrocław citizen in 1332 [2 October 1332 (unpublished) AMR 1707]. I would conclude from this series of transactions that a minimum of three separate interests in the vill of Herdein during the period of split ownership were involved. The overlord and tithe proprietor through this period remained the abbey of St. Mary's.

(194) 4 April 1338 (unpublished) AMR 1708. The abbot of St. Mary's attested the sale of the former Schertzelan share (see previous note) for 400 marks to the Hospitallers in the Corpus Christi chapel in Wrocław. The necessity for the abbot's consent and his reservation of the canons' tithe is noteworthy.

The earlier transactions in the Herdein property have an additional significance in that they illustrate the processes involved in the foundation of the hospital of Corpus Christi in Wrocław by the commune before its transfer to the Order of St. John.⁽¹⁹⁵⁾ They help to establish that the Wrocław commune and individual burghers acting on its behalf experienced considerable difficulties in securing an appropriate endowment for their own hospital foundation; nor can there be any doubt that the intending benefactors, having earlier been in competition with the Order of St. John, later resisted the decision to admit the Hospitallers. The completion of the Hospital's dotation in Herdein was protracted. In 1348 the Order obtained confirmation of an additional purchase of 8½ 'mansu' in the silver-mine.⁽¹⁹⁶⁾

In 1354 the Order made what was apparently their final purchase of property in Herdein⁽¹⁹⁷⁾: although only this interest is specified as having formerly been assigned to the commune's hospital, it is probable that some other of the interests in Herdein had been purchased by the Wrocław burghers for their own failed project of foundation.

(195) I. Wendt-Johanniterkommende Corpus Christi, p 156 describes the confusion in the earlier accounts of Luchs and Knoblich, consideration of whose conflicting views might suggest that no certainty on the original relationship between the Order of St. John, the hospital and the commune was possible. Wendt adduced additional references concerning the critical period from the Wrocław archival collections produced over the years by Colmar Grünhagen, and concludes: "Sicher ist dass das Hospital Corpus Christi um 1319 vom Rathe der Stadt gegründet / und in den ersten Jahren z.B. 1322 und 1326 auch von ihm verwaltet worden ist." In support he quotes original acts from 1319, 23 January 1322, 29 August 1326, and 26 July 1337. If these can be accepted as indicative of communal management, then 1337/8 can be given as the date of the foundation's transfer to the Order of St. John. The dates in Feyfar and De Salles do not require serious consideration. See above p 209 Note 107

(196) 18 November 1348 (unpublished) AMR 1712.

(197) 22 February 1354 (unpublished) AMR 1714

Even with the removal of the competition of the intended communal hospital, the Hospitallers evidently experienced difficulty in obtaining a sufficient endowment in the Wrocław district. They obtained permission from John of Luxembourg, the Czech king, to make purchases in the Wrocław principality in 1339.⁽¹⁹⁸⁾ This privilege was twice reissued by Charles IV: in 1343, before his succession, and in 1348.⁽¹⁹⁹⁾ This may indicate difficulties in making suitable purchases, and it is possible that the bulk of the final endowment of the Wrocław house needed to be sought in other localities.

The efforts towards securing this endowment followed on from similar exertions directed at the recovery of former Templar interests.⁽²⁰⁰⁾ Fourteenth-century Hospitaller transactions were complicated, and there is some indication of overlapping. Money might be raised for purchases by the sale of rents on the Order's own properties. Rents might be purchased in a property where the Order hoped to acquire a holding. It is probably correct to identify the task of extending the endowment of the Wrocław house as a priority from the middle of the century.⁽²⁰¹⁾

(198) 10 August 1339 (unpublished) AMR 1709 (SR 6322)

(199) 22 October 1343 (unpublished) AMR 1710; 18 November 1348 (unpublished) AMR 1711.

(200) Information from 14th-century Hospitaller records is essential to a reconstruction of the earlier Templar holding; to avoid duplication a fuller discussion of the recovery is given in Chapter 6

(201) See above p 235 Note 174

(11) The Possessions in Opole and Opava - The Houses of
 Grobniki and Makowo

In the 14th century, the Hospitaller houses or parishes of Kłodzko and Zittau which had not formed part of the historic province of Silesia were associated in a single province with the several Silesian houses and parishes whose earlier history has just been related. There also remains to be considered one Silesian group of properties whose history was complicated by the adjustment of political frontiers, comprising an older house in Grobniki (Gröbnig / Hrobniki) situated in a district, which temporarily during the period under discussion came under the control of a Piast Silesian prince, and another house, that of Makowo (Makau) in Upper Silesia, which was of slightly later foundation; both houses were incorporated at the end of our period into a new foundation by the prince of Opava (Troppau). The idiosyncratic later history of this 'commandery' of Opava in Upper Silesia resulted in the removal of the earliest documentary holding from the Prague archive, with the result that the record of the early period has been preserved by indirect means, and is both less full and less reliable than in the case of the other houses which have been described in this chapter.

Under the division of the province of Silesia which was made on the return of the sons of Władysław the Exile, the share of the cadet branch after further subdivision ultimately constituted three principalities in Upper Silesia, which were

retained among Mieszko the Flat-Footed's descendants. The princes of the branch in Opole were supporters of the Hospital, and one of them Mieszko, a particular sponsor of the Order, became a 'confrater'.

It is likely that some influence on the development of the Hospital's influence in Opole was exerted by the proximity across the Moravian border of the house of Grobniki (Hrobniki / Gröbnig), which was among donations in Moravia recorded in 1169 and confirmed in 1183. The donation of the church of Grobniki by Count Bogussa the Bearded is also confirmed in c.1186.⁽²⁰²⁾ The acquisition of the parish of the town of Głubczyce (Hlubcice / Leobschütz) mirrors the Hospital's extension of its influence in Silesia through the acquisition of urban parishes.⁽²⁰³⁾

The first recorded donation to the Hospital in the Opole region involved the transfer of a property in Makowo itself by a crusader, Seteh, which was referred to in a judgement given subsequently at the court of Kazimierz of Opole in 1224. Schlesisches Urkundenbuch provides this registration of the act:

"Kazimierz, Duke of Opole declares that Stognev had maintained an exclusive claim to Makow against his cousin Dirsicraus, but that, since Stognev's half-brother, Seteh, while serving overseas, had made over the property to the brothers of the Hospital in Jerusalem, Stognev himself also granted his rights there before the duke and his barons."⁽²⁰⁴⁾

⁽²⁰²⁾ See above pp 39/40 Notes 21 and 22. ⁽²⁰³⁾ A series of acts of Queen Cunegund from 1279 mark the actual transfer: that of 11 February (Bocek IV 221, CG 3689) records the intervention of Hermann of Brunshorn, that of 13 October (Bocek IV 168, CG 3707) confirms an earlier donation of the church by Otakar. SR 1599 describes the act of 13 October as a transumpt of that donation, (dated 17 November 1259), but this is incorrect: instead, a third act was issued by the queen on 11 February 1281 (Bocek IV 264, CG 3738) in the form of a transumpt. Bishop Bruno's confirmation of the church's donation was given on 18 October 1279 (Bocek IV 230). Since Nicholas III had instructed the Bishop of Gurk to obtain the restoration of goods withheld from the house of Grobniki on 15 May 1278 (SR 1562), I would interpret the later series of acts as providing a retrospective rectification. ⁽²⁰⁴⁾ (undated) 1224, SUB I 249 after SR 279b

There was a second phase to this law-suit which is more fully recorded. Stognev's heir, count Resco, with his brother, also named Stognev, had a later claim to Makowo rejected by the baronial court of Mieszko of Opole and judgement in the matter was recorded in 1240.(205)

The possibility has not hitherto been considered, but should be given serious consideration, that a project of donation was in progress in Makowo before Seteh's death, comparable to those observed in Wielki Tyniec and Strzegom. The family of Stognev and Seteh possibly acting in association with the family, of Count Gosław can be seen as the sponsors. Following results obtained previously from examination of the endowment of the Hospital in Zagość and in its Silesian houses, it can be seen that such a project would ordinarily have involved the development of a parallel and subordinate lordship. The alienation of the principal demesne property may be explained, as in the case of Prince Henry of Sandomierz's generous gift, by the enforcement of a testamentary bequest, following a crusader's death abroad.

The view that a project of endowment had been prepared gains support from an act issued in 1223 by Bishop Laurence of Wrocław at the consecration of the church of St. John the Baptist in Makowo, under which he made provision for its

(205) 1 May 1240, CG 2252 (SUB II 178. Since this and two other acts from 1240/1 were formerly preserved in 18th-century copies in the Wrocław archive which are now lost, the texts with conjectured corrections to CG have been taken from SUB). The editors of SUB comment that Stognev's acts of benefaction to the Lubiąz monastery were also contested by this heir, there too without success. In this case the Hospital was able to produce six oath-takers, while the heirs could produce none; this is hardly evidence of a prejudice in society against benefaction to the Order.

tithe-endowment.⁽²⁰⁶⁾ There is no mention of the Order's ownership in this act, but if, as seems likely, the pending law-suit was an obstacle to the church's transfer, its donation is surely likely to have followed swiftly on the first judgement in the lawsuit in 1224.

The Makowo property probably supported an early house of the Order. In 1239 it was specifically described as such, and as the recipient of a further patrimonial donation in the Koźle region; however the language of the act suggests that the Order's official in Makowo was subordinate to a 'magister' in the house of Grobniki.⁽²⁰⁷⁾ Count Gosław who made this donation and the Gosław who headed the list of oath-takers in the law-suit of 1240 are surely the same person. In addition to recording the donation, the prince specified the terms of franchise for the estate: this, as has already been demonstrated, was a principal focus of the Order's solicitation of privileges at this date.⁽²⁰⁸⁾ The form in which the concession of franchise was expressed deserves quotation:

" Mieszko, son of Kazimierz duke of the Opole territory... in the presence of myself and my barons and court attendants, count Gosław (Goszlaws) has granted to the hospital of St. John and to the house of Grobnie, - with magister Bogys ruling that house of Grobnie and brother Potrcone ruling the other house in Macov (ipsam domum magistro Bogysa in Grobnie regente et aliam domum in Macov fratre Potrcone regente), the shares of land which he had subject to the castellany of Koźle (sortes quas habuit sub castro Quosle), which are called Chischi. And I, Mieszko, for my salvation and the sake of the soul of my father Kazimierz, have given to the same property (eisdem sortibus) full liberty from summons under the castellany (plenariam libertatem a provocatione coram castro) and from stroza and from stan and from prevod (rights) of my land. I have also granted them a tavern in the same place and the right to enclose a fish-pond in the river, which is called the Odra, so that the house may have an abundance of fish."⁽²⁰⁹⁾

(206) 19 November 1223, (In Makow in dedicatione ipsius ecclesie)
SR 276 (From the same collection in the Wrocław archive as SR 279b)

(207) See below p 312 Note 22

(208) See above p 125 Note 58

(209) (before September 24) 1239, SUB II 165 (from AMR, CG 2214)

While the original of this act of 1239 has been preserved, a series of acts of nearly contemporary date exist only in what are described as unattested copies. They are:

(1) May 1 1240 - the second declaration of the court in the case of the Makowo inheritance.

(2) May 25 1240 - permission for the "location" of three properties, "Makow, Repic and Blotnitza" under Teutonic law.

(3) August 27 1240 - permission for the "location" of the town of Makow.

(4) May 8 1241 - a composite act elaborating several previously recorded concessions.

The last of these acts, which has the appearance of a summary, may be considered first:

" Mesko... duke of Oppel, we absolve all the possessions which the house of the hospital of St. John the Baptist in Jerusalem of God's poor and sick possesses in our duchy, that is in Makow, Repze, Blonicza, Ciska, on account of their superabundant acts of piety for the poor and sick and for the benefit of pilgrims, from every right that belongs to ourselves or our successors or the officials of our land, and we have set this down so that nobody in future may dispute it. In addition we have granted to the brothers of the same house the liberty in respect of every right which belongs to our standing as duke according to the statutes of the Teutons of Novum Forum, that is to say as a fief, with whatever accrues from thefts or homicides to belong totally and without diminution to the same brothers (libertatem in omni iure quod ad nostrum ducatum pertinet secundum statuta Theutonicorum Novi Fori in feoda scilicet quicquid acciderit in furtis et homicidiis ut sine diminutione totum eisdem fratribus pertineat). We have also given the brothers the right (potestatem) to make a pond and to found a tavern in Cziska to possess perpetually and to hold with all impediment ceasing from the castellan of Cosla and other lords. And so the inhabitants of Czissek may enjoy every kind of liberty we have granted that they should be immune from every summons and vexation by the men of the castellany (Et ut habitantes Cziskam omnimoda gaudeant libertate concedimus ut ab omni citatione et vexatione castrensi sint immunes), namely powoz, bobito, mirze, strosa, stan, dan, prevod, zargowe and whatever other rights exist

pertaining to our standing as duke. In addition we add a second lot (sortem) in the same place, Cziska, with its dependencies (cum filiis suis) to the same brothers to possess in perpetuity." (210)

This document has the appearance of a composite, recalling in this respect the documents for Strzegom in the form in which they were rewritten in c. 1310; specifically it shares with these undoubted falsifications a repetitious combination of specific and general provisions, which suggests that later official formulae have been transplanted into an earlier, genuine original. (211) According to the act of 1241 a complete concession of judicial and economic immunity was to be applied to all Hospitaller properties, although those specifically listed in the act were Makowo itself and two others, Repze (Repsch) near Prudnik (Neustadt), and Blonicza (Blottnitz). Such a concession, however, for these properties alone constituted the substance of the act of 25 May 1240. (212) A privilege to allow the Hospitallers as lords the profits of justice in all capital cases is common to both acts, but in that of 1241 it can be read as a concession on all the Order's estates. If genuine in both cases, it would have been a remarkable, although not an impossible concession. (213)

(210) 8 May 1241, CG 2273 (SUB II 210) (211) Cf SUB II 430.
See above 178 ff (212) 25 May 1240 CG 2253 (SUB II 180)

(213) SUB II 210 quotes the general judgement of Menzel in his 'Jura ducalia' that the Hospitallers enjoyed these rights on their properties at an early stage ("die geistlichen Ritterorden sich schon frühzeitig eine Sonderstellung zu verschaffen wussten"), - but it can easily be demonstrated that this was not invariably or even usually the case. The only comparable concession in Silesia to that made in respect of the three Makowo estates is to be found in the privilege for Łosiów from 1238 (see above, p 194 Note 82) ; there, as in Makowo, the Hospital held the principal lordship but in Łosiów the third penny was reserved. The Hospital were apparently able to maintain a claim to their own full jurisdiction and enjoyment of the profits of justice in Zagość, and, if these provisions are genuine, for Makowo and the other estates of the Makowo house; but to suggest that this was the regular arrangement on all Hospitaller properties, still more on those of the Temple, for which, in Silesia, no direct evidence on this point is available, shows a fundamental misunderstanding.

The most plausible assessment of the relative authenticity of the four documents would appear to be one that accepts as genuine the three acts of 1240, - that is the confirmation of the court judgement, the grant of complete judicial franchise for the three estates, and the location permission for the town of Makowo, while regarding the act of 1241 in its existing form as a rewriting, which summarised the provisions of franchise in the 1240 acts with the intention of giving them a general application.

The 'location' privilege of 1240 for Makowo, which merits detailed consideration in its own right is worded as follows:

"Mieszko...duke of Opole...we have contributed to the brothers of the hospital of the house of St. John the Baptist in Jerusalem, on account of their superabundant works of piety for the poor and sick, a market in the vill of Makow to locate and hold and own in every way, so that neither the chamberlain nor any of our officials shall have any right there (forum in villa Makow locandi, tenendi et omni modo habendi, ita videlicet quod camerarius nec aliquis officialis noster ad hoc respectum habent) and similarly we confirm in perpetuity all the rights and liberties granted through our munificent benevolence and with our barons' advice." (214)

The interpretation of W. Kuhn takes these provisions as revealing the existence of a project to 'locate' or found a town in Makowo, which did not, however, proceed: yet it is instantly apparent that similar provisions have already been encountered in the present work in the case of Sedlec (in Wielkopolska) and in Łosiów; they can therefore be matched with other examples where no such intention can reasonably

(214) 27 August 1240, CG 2259 (SUB II 188)

be inferred.⁽²¹⁵⁾ Indeed on this point, - and the range of the Hospital's documentary record in this period constitutes it a unique source for thirteenth-century conditions, - there is explicit refutation of Kuhn's characterisation: for there was a town in Makowo, but a 'miasteczko' rather than a metropolis. In 1261, the Hospital's prior in Poland and Moravia, Maurice issued a ratification of the sale of the hereditary office and its attendant rights of the 'villicus', or official of the town to a certain Frederick, in the following terms:

" (frater Mauritius humilis prior sancte domus Hospitalis Jerosolimitani per Poloniam et Moraviam)....Johannes, called de Crew, negotiating with our full consent, has sold to his brother Fridericus the office of villicus in our town of Machow (vendidit Friderico fratre suo villicationem ville nostre in Machow) and another small free half 'mansus' and an enclosed garden in the same town, as well as the third penny of justice, by the same law under which the vills of Novum Forum are located, to possess with his heirs in perpetuity."⁽²¹⁶⁾

The origin of the Order's status of lordship in Makowo should be sought in the terms of the original donation of Count Stognev's family estate; by this the Order were established as principal lords, or overlords, of the property. This status of ownership, possessed by the Hospital in only a few other instances, was of the kind to permit the concession of privileges appropriate to a proprietorial town or 'miasteczko'.⁽²¹⁷⁾

⁽²¹⁵⁾ Kuhn, quoted in SUB, loc cit. Kuhn's definitions in *Die Mittelalterliche Städte* postulate the existence of communal government under an established "culturally" German form. Since this situation hardly applied in several of the larger urban centres in the later, let alone the earlier, 13th century, it is still less likely to have applied in the smaller proprietorial towns or 'miasteczka', such as Makowo was.

⁽²¹⁶⁾ 29 May 1261, SUB III 354, (CG 2989 / SR 1084 from a 17th century copy in the Opole / Racibórz holding of the Wrocław Archive)

⁽²¹⁷⁾ For example, in Wielki Tyniec, the privilege of 'location' was issued by the comital family. (Undated, 1282) AMR 595

When, in the 1330s, Prince Nicholas of Opava effected a reconstitution of the Hospital's property in Grobniki and Głubczyce to form the commandery of Opava⁽²¹⁸⁾, over which his family subsequently exercised strict control, he adopted a course which had already been taken by a number of families, who had found through a combination of donation and manipulation a means of obtaining the use of the Hospital's considerable local resources. The Hospital's higher offices also attracted the attention of princes, the more so since they now had a solid base in territorial and seignorial rights and existed within an identifiable nexus of political relationships; an added attraction was that revenues were less liable to be directly applied to the Order's traditional crusading enterprise. It is therefore unsurprising to see, at the end of our period, Prince Ziemowit of Tesin crown his career within the Order by occupying the rank of Bohemian Grand-Prior.⁽²¹⁹⁾

If the Order of the Hospital inevitably declined as a body marshalling support for the East, as a local institution it flourished. A commentary on the intricacies of the new situation might usefully be written from a deposition presented to the papal collectors in Kraków by the Silesian commanders in 1336, which declared that losses suffered in the course of the Silesian princes' recent wars excluded their paying the papal tithe.⁽²²⁰⁾

(218) De Salles p 257 gives 1333 as the date of foundation of the hospital of St. Nicholas in Opava, later core of the commandery.

(219) See below, Chapter 5 Section 5. The prince observed hierarchic decencies to the extent of serving in the junior rank of commander in Oleśnica.

(220) 2 May, 1336 AMR 202 SR 5630. This extremely lengthy deposition could rather be described as a pamphlet, or perhaps as a manifesto, in which the Hospital's Silesian hierarchy excused themselves from meeting their obligations.

The properties in Wielki Tyniec, Oleśnica and Brzeg were said to have particularly suffered. The Hospital as a crusading order had long been exempt from crusading exactions but now that this reasoned defence was removed the local officials were clearly determined to avoid making this payment, and seem to have been no more eager to meet the financial demands of their own central authorities.⁽²²¹⁾

This episode also offers an indirect clue to the fate of the Makowo property. Since one of the belligerents cited in the document of 1336 was the prince of Opava, it is probable that its incorporation, attempted or achieved, into the new Opava house provided one issue of contention and grievance between the parties.⁽²²²⁾ Ecclesiastical property in Opole subsequently furnished (albeit outside our period) two commander's titles for use in the Silesian hierarchy, which were derived from the Hospital's ownership of parish churches in Alt-Zülz (Białka)⁽²²³⁾ and Koźle (Kosel).⁽²²⁴⁾

(221) There was a general tendency at the close of the crusading period towards impropriation of the Military Orders' property by their membership among local nobilities, a development which they were ill-placed to resist. The local Spanish orders were absolutely defenceless, cf Housley op cit. p 51

(222) The Kitlitz family, who provided the first Hospitaller commander in the former Templar Silesian house of Oleśnica were named as a party in the wars of the 1330s alongside the several Silesian princes (AMR 202). This suggests that Hospitaller properties were among the spoils and prizes in these conflicts.

(223) The donation of the church in Alt-Zülz was made and confirmed in 1285 (CG 3897, see also SR 1899 and 1916). Lerche has apparently designated Alt-Zülz a thirteenth-century 'commandery', but it is hard to see what such a designation should be taken to mean. It seems most likely to have been an existing older parish, like Chmielno, whose value as an acquisition was similar in extending the scope of the Hospital's tithe revenues and parish rights, rather than bringing with it any accession to the Order's demesne holding: a combination of these two property categories was usually necessary to support a house.

(224) The house in Grobniki owned the parish in Koźle in 1449. (Neuling p 135). The earliest act in AMR indicating ownership is dated 1 January 1414 (AMR 178). 'Quosle' was the site of an early donation to the Makowo house; the Order retained a transumpted act of 22 January 1293 (AMR 177) for its church.

CHAPTER 4 THE HOSPITAL IN POMERANIA

(1) Poland and Pomerania in the Piast Period

The political entity of Pomerania was created through the consolidation of authority among a section of the Slavs of the Baltic littoral in the early 12th century, a period which also gave birth to the principality of Rügen and saw the incorporation of the Lusatian Slavs within a number of new German principalities. Eventually all the components, both Slav and German, of this Baltic constellation of authority were eclipsed in the middle of the 13th century by the growing power of the Mark of Brandenburg, into which most were ultimately absorbed.

Pomerania proved the most resilient among them, and its relative success in resisting the advance of the Brandenburg margraves, although aided by its remoteness, was not entirely conditioned by it. Even though the power that was finally brought to bear upon its two constituent parts was formidable, Pomeranian resistance was protracted; its princes had had a long schooling in the protection of their independence, and had proved more than competent to deal with previous attempts to undermine them.

The inception of the Pomeranian principalities was a process which went hand in hand with the introduction of Christianity. This was the first occasion where the Pomeranian princes had an opportunity to demonstrate their considerable cunning and

grasp of larger political realities. In persuading their missioniser, Otto of Bamberg, who arrived under commission from Bolesław the Sneerer in the 1120s, to revoke his original sponsorship, - or on receiving the bishop's advice to that effect - the princes bound themselves to a policy, which later developments reinforced, of adopting German models for their ecclesiastical plantation; in doing so they were following the pattern of behaviour previously demonstrated by other eastern European Christian rulers, one which involved distancing themselves from the ecclesiastical supervision of neighbours who were too near and too eager to exercise it. In the Polish Church for example, as late as the reign of Bolesław the Sneerer, models for religious life were sought in France and Italy rather than in Germany.

For the Pomeranians Germany was sufficiently remote, while Poland was uncomfortably close. Perhaps there existed, too, an awareness of the *démarche* of Bolesław the Brave (Chrobry), who had flattered the imperial pretensions of Otto III in order to gain recognition of his own Pomeranian and Prussian claims. For Otto III, Pomerania and Prussia were beyond any ambition of direct control, but their possession by a Polish ally and nominal vassal was sufficiently attractive a prospect, given the disastrous failure of Otto II's eastern policy, for him to lend practical support and encouragement to Bolesław's pretensions. Even so, St. Adalbert's mission to the Prussians had produced some tensions between the Polish and German rulers. Although by the period under discussion these events were remote, the history of this episode was well-known; a century later, the Pomeranian princes were better acquainted with the rules of the game, success in

which was necessary to secure their survival.

At the start of this period, the territory of Pomerania extended some distance to the west across the left bank of the Oder, but it continued to undergo constriction throughout the 13th century: for descriptive and administrative purposes, Pomerania as a province of a succession of German national states had some of this western loss restored, and in this form is recognisable only as the western part of the ancient Slav principality.

The complete and lasting severance of the eastern part of Pomerania which was effected as a result of the conquest of Gdańsk by the Teutonic Knights has led some to feel that a separate name - Pomerellia - should be applied to this territory, a view which would appear to gain support from the fact that the division between the eastern and western parts was already of long-standing before 1308, deriving originally from the insinuation of rival rulers in Gdańsk and eastern Pomerania by Bolesław the Sneerer. However political divisions in Pomerania, as in Poland, obeyed a patrimonial logic, albeit less directly. For this reason the application of the later name of Pomerellia is liable to be misleading in the earlier period, and it seems more appropriate to use the names of Szczecin-Pomerania and Gdańsk-Pomerania to indicate the two Pomeranian principalities.

(2) The Hospital's Beginnings in Szczecin-Pomerania

On the basis of the earliest documentary record from the Polish Hospitaller houses, official activity directed towards the recording of the original Polish and Silesian dotation ended in 1205. Only one Pomeranian act ostensibly, but by no means certainly, assignable to this period survives; whether or not it should be redated, what it records is only a minor adjustment; consequently it does not alter the fact that of the wider original endowment of the Hospital in Szczecin-Pomerania no direct record remains. This is perhaps not remarkable, since it has already been seen that the secular property conveyed in the first Wielki Tyniec benefactions was never recorded. It should also be borne in mind that in the period before the establishment of the princes' own chanceries, the Military Orders and a small number of other religious houses, who were atypical in their desire to have the terms of ownership of their donations recorded, were obliged to undertake the authorship of documents.

This first act for the Hospital in Szczecin-Pomerania was issued by Bogisław of Sławno and his sister Dobrosława: published under the putative date of 1200, it provides as follows:

" I, Boguslaus and my sister Dobroslawa of Slauna have given these villis to St. John and St. Jacob and to the Jerusalem Hospital, of which the principal names are Scarnino and Cosmacevo, under such a form (i.e. of exchange), that we have obtained a vill, which we require, called Selglow within its boundaries to possess by hereditary right."⁽¹⁾

(1) 23 April 1200, Perlbach 11 (CG 1116)

This act suggests, from the incorporation of the name of St. Jacob, that the Hospitallers were already the owners of the church of St. Jacob in Sławno.⁽²⁾ The property in 'Selglow' which they relinquished, is believed on linguistic grounds to have been part of their original dotation around Sławno, while the two properties which they received in return formed part of their dotation in the Skarszewy (Schöneck) region in Gdańsk-Pomerania.⁽³⁾

The witnesses to the act call the dating of 1200 into question.⁽⁴⁾ Although this may be attributable to an error in transcription, since documents were not at this time a simultaneous validating record, but rather distinct entities from the act which they recorded, it is also possible that the act of exchange was written up later with its original date. A more likely date is c. 1223. The Hospitallers' known procurement of documents in the Polish part of the Bohemian province would appear to have concluded its initial phase in 1205, and until 1237 there is a perceptible gap; one Silesian Hospitaller document, which is dated 1212, has been shown to have been written up in just this manner in the following decade.⁽⁵⁾

(2) For the ownership of the church of St. Jacob, and the further evidential value of the second Sławno act from 1223 (CG 1762), see Hoogeweg-Die Stifter, pp 869-70, also p 870 Notes 1-3.

(3) Klempin PUB 138 (cited Perlbach *ibid.*) identifies 'Selglow'; Perlbach (*ibid.*) provides the Skarszewy identifications, which Hoogeweg (*loc. cit.*) appears also to accept.

(4) "It should be noted that three of the witnesses recur in the Hospitaller charter of 1223: Vlisco (there Lisco), Radico (Radeac), Stephanus; it could easily be the case that there is a gap in the date, and the charter was issued later." Perlbach *ibid.*

(5) SUB I 134 (undated) 1212, was actually written at a later date, and certainly after 1219; this has been conclusively demonstrated in SUB (See below p 309 Note 11). This means that, with the exception of the act of Bishop Paul of Poznań, the original of which does not survive, there are no Hospitaller acts for Poland and Pomerania from the period 1205-1223.

More definite information on the Hospital's original possessions in the Stargard and Sławno districts is provided by two acts issued in the 1220s, that of Prince Racibór dated 1223, and that of Prince Barnim dated 1229: these were presented at Rome by the Moravian Prior and resulted in the issue of two papal bulls dated March 16 and March 19 1238.⁽⁶⁾ Two Pomeranian princes are cited in the first bull as benefactors of the Order, "Ratiborius" and his son B., while the second names as benefactors the two princes Bogisław, and so Bogisław I and Bogisław II. Since a bull of Lucius III from 1182 refers to the houses and brothers of the Hospital in Bohemia, Poland and Pomerania Hoogeweg infers that this date supports the identification of Racibór I (d. 1155-6) as the original sponsor of the Order.⁽⁷⁾ However, the bull of 1182 could also refer to the original donations made by Bogisław I (d. 1187), and in fact this is far more likely.

It is surely right to regard the activity of the Hospitallers in soliciting and accepting donations in Szczecin-Pomerania as originating in the Bohemian priorate and equally as being not at all likely to stand outside the chronology of benefaction that has been established for Silesia and Moravia where the regularisation of holdings and designation of houses took place in the 1180s, and where the acquisition of new

(6) 16 March 1238, CG 2191 (Hasselbach 247 / PUB 345) for Sławno; 19 March 1238, CG 2192, (Hasselbach 246 / PUB 355) Cf below, p 275 Note 49 and p 290 Note 82 for the bull for the quite different property of Stargard in Gdańsk-Pomerania issued on 21 March 1238 (CG 2193, PUB 576)

(7) Hoogeweg-Die Stifter, (p 869, Note 3) in saying that this would correspond to original donations by Racibór I is influenced by the opinion of Sommerfeld (quoted in Hoogeweg, loc cit, Note 5) that the Hospitallers had begun 'Germanising' Pomerania in around 1150.

property occurred as a result of the agitation and preaching of the crusade from 1187 onwards. The few acts of benefaction that can be reliably placed in the 1150s can be shown to have been generated by contacts made during the Second Crusade. There seems no reason to add benefaction by Racibór I, which is unsupported by any evidence to the list.⁽⁸⁾

The 1223 and 1229 acts have both been thought to contain problematic provisions, not least because they share a common introductory formula. This does not necessarily mean, however, that both can not be accepted as genuine. Nonetheless, it appears sufficiently established that the existing text of the 1223 act includes at least one demonstrably false provision in its concluding phrase:

" Ratiborius...called prince of the land of Slauna... I have given to the brothers of the aforementioned house, the vill called Bantov, with its dependencies, lands, woods, meadows and lakes, (to hold) in undisturbed peace, with the church of St. Adalbert and its two daughters for their possession."⁽⁹⁾

The Hospital's church in Sławno was not dedicated to St. Adalbert. The act of 1200 indicates that the Order's church there was that of St. Jacob, and its redotation by the bishop of Kammin in 1273 confirms this.⁽¹⁰⁾ Furthermore, since the claim to a second church (the question of the two filiates will be

(8) An early writer, Bugenhagenius, reported the deeds of a legendary twelfth-century crusading prince. Local patriotism is to blame.

(9) (undated) 1223, Perlbach 23, cf Hoogeweg, p 870, Note 2.

(10) 22 November 1273, PUB (VI) 3977. The first mention of St. Adalbert in the Hospital's Sławno church occurred in 1326 when a new vicary bore the saint's name. Note Hoogeweg, p 870, Note 3.

reserved for later discussion,⁽¹¹⁾ can only have been credibly entertained during a relatively constricted period, a plausible date can be deduced for the falsification and alteration of whatever were the original provisions of the act of 1223.⁽¹²⁾

For the moment it is sufficient to note that any arguments premised on complete rejection of the 1223 act are misdirected.⁽¹³⁾ The 1229 act has generally been considered far less open to reproach. It records the likely initial dotation in the two localities of Sławno and Stargard as follows:

" Barnim, duke of Pomorania... all the properties which were given through the devout generosity (*pia liberalitate*) of my grandfather and my father of blessed memory, duke Buguslaus, to the brothers of the fore-named house (i.e. the Hospital in Jerusalem), Stargard, Zalotino, Srachto, Wlicovo, Cocolicino, Cozlow, Sadlow, Clapino, Gumence, Lecnicea, Gogolow: all of these with their lands, woods, waters, lakes, meadows, and everything else that belongs to them: I, his son, have remitted to God and to St. John the Baptist, absolutely on all of them, all exactions of my court, and all benefits due to me, which are customary in my land: narez, ossep, the building of forts and bridges, and any other payment which might arise, and I confer them willingly (*pace tranquilla*) and confirm them for the perpetual possession of the brothers."⁽¹⁴⁾

This provision has been added after the witness-list:

" ... This, too, has been provided, that we freely allow the brothers of the house of the hospital to settle (*collocare*) guests (*hospites* = colonists) of whatever kind, under Teutonic law in all of their villis."⁽¹⁵⁾

(11) Hoogeweg, (p 870, Note 1) offers no identification, but there is a strong circumstantial indication that the churches in Darłowo (Rügenwald) and Zizow, were the two filiates, see below, pp 270-1

(12) Klempin's commentary in PUB 215 cf Perlbach, loc. cit. That is to say, from the start of the preparation of the Hospital's law-suit (1262-9) to 1273 when the bishop's redotation of the church in Sławno brought the episode to an end.

(13) Hoogeweg op cit. (p 871, Notes 1-2) summarises the arguments of J. von Pflugk-Harttung, which appear not to take account of the existence of two separate papal bulls from 1238 for Sławno and Stargard.

(14) (undated) 1229, Perlbach 42 (CG 1936)

(15) *ibid.*

Apart from this additional phrase with an apparently universal application, the formula of 'immunity' which appears within the act is entirely consistent, allowing for the differing names of Pomeranian princely exactions, with the forms of expression already noted in the franchisal confirmations received for properties in Wielkopolska in 1225 and 1237, in Kujawy in 1232, in Małopolska in 1244, in Silesia in 1238-40: in the case of Conrad of Mazovia's privilege of 1232, as here, the confirmation of immunity provides the first written reference to an earlier donation.⁽¹⁶⁾

The properties listed were identified by Perlbach as Sallentin, Colow, Zartzig, Wulkow, Köselitz, Zadelow and Klempin in the Stargard principality, and Tychow, Gumenz, and Jugelow in the Sławno region. (Two of the sites, Cozlowo and Lecnicea, have not been identified.)⁽¹⁷⁾ Hoogeweg points out that while the Sławno properties described here would appear to have been held by the Order only briefly, if at all⁽¹⁸⁾, the Stargard properties agree with the much later specification in a general confirmation of Bogisław X from 1487.⁽¹⁹⁾ This is hardly a reliable indication, however, of the authenticity of the 1229 listing, since the state of the Order's possessions was liable to disturbance and alteration in both regions, and what was eventually held in Stargard was won in an open conflict with the Szczecin-Pomeranian princes, in which the Order did not scorn to use forged privileges.

(16) See above, pp 135-6 (17) Perlbach, loc cit.

(18) Hoogeweg p 871, although Tychow was included in the parish of the church of St. Jacob. Cf the list of Sławno properties, op cit. 884ff

(19) Hoogeweg, op cit. p 871 Note 2 (from a Szczecin archival source). Cf Prince Frederick's privilege from 1460 in CD Continuatus 234ff

It seems appropriate to speak of houses of the Order both in Sławno and in Stargard from the period of the original dotation, even though no early instruments of transfer or references to these properties survive.

The possession of a church was an essential component of a viable house in which the Hospital could be represented as a religious order. For Sławno, the act of 1200? suggests that the Order was in possession of the church of St. Jacob in the town. The confirmation of its dotation, in an act of Bishop Hermann of Cammin from 1273, is not necessarily a reliable guide to the original dotation of the property - even though that act stressed that the Order had long been in possession of the named vills.⁽²⁰⁾ That the properties named in this later act mostly do not coincide with the listing in the act of 1229 can be explained by the fact that these dotal vills would have been the church's original property rather than demesne estates given to be held under terms of secular lordship, as were those listed in 1229. This allows the further conclusion that two distinct categories of property, secular and ecclesiastical constituted the original dotation of the Sławno house.

(20) 22 November 1273, PUB VI 3977 (see also above, p 259, Note 10) The statement in the bishop's act of 1273 that these had long been held (as dotal properties) by the Order should be viewed against the background of the disputed claims aired in the law-suit of 1269-70 and the probable dispossession of the Hospital from its original properties, and exclusion from the town of Stargard. See below, 273ff

While demesne properties to be associated with both the Stargard and Sławno houses are listed in the 1229 act, no direct reference to possession of a church in the town of Stargard occurs before the 14th century.⁽²¹⁾ Nonetheless the circumstantial indications are strong that a church was held in Stargard, as in Sławno before 1270, although it may have been lost in the aftermath of the Hospital's law-suit against the duke.⁽²²⁾ The strongest circumstantial indication is the reference to both Stargard and Sławno as houses of the Order in one of the bulls of 1238.⁽²³⁾ A letter of Gregory IX in 1230 to a papal collector, which prohibits the levying of papal tithe from the houses of the Order in Bohemia, Moravia, Poland and Pomerania adds to the impression that the Hospital were in possession of at least one church in Szczecin-Pomerania.⁽²⁴⁾ The single direct reference to the Order's administrative provision in this early period, which occurs in a Templar document of 1234, is the naming of "Chalo, magister in Staregarde", who is most likely to have been a Hospitaller. (It is generally accepted that he cannot have been a Templar official, since the Temple's Pomeranian properties can be fully accounted for and were situated elsewhere.⁽²⁵⁾)

(21) The Order certainly owned the patronage of the church of St. Mary in 1324 and also, later, its filiate, St. John's. Hoogeweg, op cit. p 892.

(22) See below, pp 282-3 for the probable loss of the church.

(23) The existence of a house (*domus*) can be taken to imply possession of a church, either an established parish or a chapel. CG 2191/2 (1238) designate both Sławno and Stargard as '*domos*'. Hoogeweg and Perlbach both ignore the indication from CG 2192. However, the bull of 16 March 1238 (CG 2191) also describes the Order's two Kołobrzeg properties as houses, which it is certain they never were (cf Hoogeweg, op cit p 874).

(24) PUB 267

(25) PUB 308. The possibility that Chalo, whose obedience is not specified, was the representative of some other order, - Calatrava is conceivable, - should not be excluded.

Finally, a tradition of seniority may account for the later designation of sites near Stargard as the provincial seat.⁽²⁶⁾

The larger question of the activity of the Order in the development of its properties: of whether it planned or procured the creation of new settlements and the introduction of colonists: and if it did so, in what fashion, must be approached in the case of Szczecin-Pomerania on notional rather than directly evidential grounds, since the only document with primary evidential value is Barnim's act of 1229. In that text the franchisal provisions are of interest, but particular attention would appear to be demanded by the additional phrase (possibly, though by no means certainly, a later insertion) permitting the 'settling' of colonists which has already been highlighted.

It has frequently been made the subject of a blanket assertion that religious orders in Pomerania, among them the Military Orders constituted an engine of development, however narrowly or broadly one might like to apply the term.⁽²⁷⁾ It is noteworthy, nonetheless, that such a careful scholar as Hoogeweg

(26) See below, 282 ff. The two sites were Copan and Zacharń

(27) See also below p 330 Notes 6/7 for Polish academic criticism of the 'Germanisers' of a previous generation. The concept of 'Germanisation' in any case lacks the necessary rigour for any useful application: indeed it is hard to know quite what is comprehended within such a term. For a writer to suggest, for example, that encountering a Slav name indicates a retardation of the process in a particular locality comes very close to absurdity. It would also be hard to overemphasise the crudity of argumentation which appears in the monographs of local historians. Hoogeweg (I p 228), writing on the abbey of Kołbacz, registered dissatisfaction: "Auch ist es durchaus unrichtig zu behaupten dass die Germanisierung von Anfang an planmässig und bewusst vorgenommen wurde", adding that Kołbacz was in any case a Danish foundation. Even so, Hoogeweg incorporated several of Sommerfeld's comments, whose tendency is exactly the same, into his own appendix on the Military Orders. Modern works, such as that of J. Petersohn-Der südliche Ostseeraum, which manages to identify particular cult-influences of the Havelberg, Bamberg, Danish and Polish churches in the vastly more obscure conditions of twelfth-century Pomerania, demonstrate that these questions are capable of academic study.

found no place within his monumental work for any whole-hearted development of this theme.⁽²⁸⁾ The purpose of the present work has been to substitute for simple assertion the relation of documentary evidence, which in some other cases is as extensive as one could wish, to a definite context; in particular, in the case of the Silesian houses, an attempt has been made to assess the evidence for the creation of entirely new properties, for the alteration of existing settlements revealed by name changes, or for the creation of new seignorial franchises of a kind which might indicate the elevation in status of a subordinate demesne holding into a new lordship or honor.

In the present case, although there is only the listing of 1229 to work with, certain conclusions may confidently be drawn: one can exclude, for example, the possibility that these villas had been newly planted by the Order since all are described as donations: since the listing of 1229 is substantially the same as that of 1473 without name changes, new plantation of these properties at a subsequent date may similarly be excluded. The properties may, nonetheless, have undergone 'location' in the sense of being restructured: in the act of 1229 we encounter franchisal or immunity provisions of a familiar kind, as well as the generalised concession of permission to settle colonists at

(28) "We cannot believe it was very great" also wrote Hoogeweg of the supposed Hospitaller influence on 'Germanisation',"for in 1330-3 we still find one Zirseko or Zirsko as Commander in Sławno."(op cit. p 872) This comment has the quaintness of Thomas Mann's musings on the particular exotic flavours of the name Pribislav - (a hint of Kirghizia). "Zirseko"'s family connections are in fact of the greatest interest. See p 271 Note 41.

its conclusion.⁽²⁹⁾ Whether or not such permission was acted upon, it possessed a significant value since grants of German law on demesne properties, or permission to locate them can be interpreted as representing a complete grant of 'immunity', of a kind that an earlier administrative language had expressed in terms of the removal of a recognised range of impositions and the concession of the profits of justice for the benefit of the feudal proprietor. Permission to locate or the grant of German law had its own value as an absolute definition of the existence of seignorial franchise.

However, in other instances, where the enjoyment of such a privileged status was acted upon, and the restructuring or replanting of estates resulted, in many cases, naturally not all, there are additional documents specifically recording the changes. For the Hospital's possessions in Szczecin-Pomerania there are none; and the reasons for the Order's failure to proceed with such activity here may become more comprehensible when additional information which is available on their holdings has been considered.

(29) Perlbach 42 (see above, p 260 Note 15) It is possible, but not certain, that the additional phrase of generalised permission was added at the time of the transumpt. However, for the present discussion the point is not greatly important.

(4) Kołobrzeg and Darłowo

Apart from the demesne holdings which have been described for the houses of Stargard and Sławno, the Hospital obtained a number of other property interests in the principality of Szczecin-Pomerania, as well as, - this becoming clear when any conceivable claim was incorporated into the law-suit of 1269-70, - a number of aspirations fuelled either by a sense of grievance or by simple greed.⁽³⁰⁾

The ordinary processes of benefaction, the accumulation of minor donations attendant on their presence in the country, as well as the everyday activities of a religious Order, - quite apart from any specialised service or mortgage arrangement they might offer in connexion with their particular task of fostering crusading activity, - would steadily have added to the Hospitallers' miscellaneous minor possessions. It has already been seen in the case of Silesia that the Order was able to manipulate property and rights of various kinds in order to secure more useful additions to their principal holdings. After about 1270 the Silesian Hospitallers and the Order's central authorities were prepared to make substantial financial outlay to secure major new interests: there, too, as a prelude to disbursement on a large scale, they first tried their luck in legal action. For Szczecin-Pomerania it is possible to identify two regions as possible targets for expansion in which the same expedients were adopted: Kołobrzeg and Darłowo (Rügenwald).

(30) See below, Section 5

The Order's two properties in the neighbourhood of Kołobrzeg, Jestin and Moitzelin, may have had their transfer recorded in an early document; this can be inferred from their specification in Gregory IX's bull of 1238.⁽³¹⁾ However, notwithstanding the reference to 'houses' in both these places in the bull, there is no subsequent record of the appointment of officials or of conventual life which might suggest that the Kołobrzeg properties supported any 'house' of the Order, or were anything but demesne vill; available indications suggest they were held without ecclesiastical rights. Eventually both elements of the Kołobrzeg holding were sold. Jestin had been sold by 1290 when John Rahmer owned both shares.⁽³²⁾ An act of the Prior, Helperich of Rüdighheim, from 1312, confirms the sale of Moitzelin, made by the commander, John Rogów, to the cathedral chapter in Kołobrzeg:

"...our confrater John, called Rochow, commendator in Lubbesow and Slauna, under the commission he holds from us, has reached an agreement of fair purchase in our name with ... Gotfrid the dean of the Colberg church and certain others, namely Hermann and Rodingher, vicars of the same church, to whom the vill of Moytzelin belongs by proprietary right, covering what belonged to us in the same vill... accordingly in approval of the contract of sale, our proprietorial right in the said vill, within its boundaries and with all that these contain, that is to say, waters, meadows, pastures, clearings, woods, marshes, groves, streams and water-courses, rights of way, with justice of the hand and neck, and with every right and use that now exists within its boundaries, or may do in the future through the construction of mills, with no extortion of service in horses, or any other exaction or petition, or anything that might prejudice the rights of the inhabitants of the vill of Moytzelin, just as we are acknowledged to have possessed it..."⁽³³⁾

(31) CG 2191

(32) PUB 1551, cited in Hoogeweg p 884.

(33) Ledebur AA pp 231-2 (from Dreger's Kołobrzeg transcription) (PUB 2704). Tithe is not specified, and who owned the tithe in Jestin and Moytzellin remains uncertain. The eventual owners of the latter, the Kołobrzeg chapter, did not, - at least it is not listed in the extensive listing of their tithe-privilege from 1276 (Hoogeweg, op cit I p 327).

This description makes it clear that, although the Hospital possessed a judicial franchise, which allowed it the profits of justice in capital cases in its Moitzelin demesne property, the church of Kołobrzeg also had proprietorial rights there: furthermore, the locality is named as the latter's vill: and in such a way that, if there were two contiguous lordships here, their description places the Hospital's in the inferior status. It seems likely, too, recalling the arrangements previously described in the case of the Silesian houses, that the relationship was one of subordination, with the Kołobrzeg church occupying the status of overlord. In Silesia, certain of the Order's demesne estates held under terms of seignorial franchise had been created alongside the existing patrimony of comital families. Such a situation could well have previously applied in Moitzelin; for it can be shown that the Kołobrzeg church had only recently acquired the senior share in this property from a noble family called 'de Rugenwold'.⁽³⁴⁾

A dubious act purporting to record the sale of the Order's interest of the Hospital in the Kołobrzeg salt-pans to a citizen of the municipality in 1324 may nonetheless be valuable as recalling the previous involvement of the Hospitallers in the economy of the region.⁽³⁵⁾

(34) 7 July 1309, Perlbach 673 An instrument of sale records the sale of the vill of 'Moycellin' to the Kołobrzeg church by "Johannes et Otto, armigeri filii quondam Marquardi militis dicti Rugenwold." If this family had originally fostered the presence of the Order, then their replacement as lords might have encouraged the Hospitallers to proceed with the sale of their own interest. The name is itself suggestive of an association with the other locality, Darłowo (Rügenwald), where the Order had property.

(35) 10 April 1324, PUB (VI) 3761 (exists in a purported copy of one J-J Wachse; according to Klempin, the contents are highly suspicious.

The history of the Hospital's interests in Darłowo is considerably more obscure. The registration survives of an act of Świętopełk of Pomerania, which purportedly recorded the transfer of a number of properties in the Darłowo region to the Order; these are listed as - " Zolow, Hiveze, Bosezow, Mozow, Canin, Bantow."⁽³⁶⁾ It is hard to determine whether the original was a provocation on the part of the Gdańsk-Pomeranian prince, or, like a further putative act of Świętopełk from 1248, a forgery made by the Hospitallers themselves.⁽³⁷⁾ In the latter case the purpose could have been to claim dotal properties for the church in Darłowo in addition to Bantow, which they were granted under the (dubious) act of 1223.⁽³⁸⁾ Ownership of Bantow at any rate, is certain before 1320, when two acts record its sale.⁽³⁹⁾ The second of these states that the sale was made to relieve the debts of the house in Sławno, suggesting that the property in Bantow and in the Darłowo district had been administered by the Sławno house. Bantow itself was sold for 500 marks "with all its right and liberty"⁽⁴⁰⁾, a phrase which can be taken as an indication of the ownership of seignorial franchise, although little attention

(36) (undated) 1240 PUB 374 / 301

(37) 19 June 1248, Perlbach 104. The 1240 act of Świętopełk was probably at the very least doctored. Hoogeweg, (p 882) at any rate accepts its provisions as a starting-point for discussion, and offers identifications of these sites. However, his characterisation of Bantow as a 'waste' near Darłowo would appear to be belied by the circumstances of its eventual sale for 500 marks. Zolow (Schwolow, west of Stolp) and Meitzow are known sites; 'Hiveze' and Bosezow' remain unidentified.

(38) Perlbach 23

(39) 23 March 1320 (in Sławno), AA pp 232-3 (PUB 3350) Conrad of Dorstadt, the commander of Sławno's act of sale; 9 October 1320 (In Zachan) AA p 233 (PUB 3409, same source) the confirmation of the sale by Gerhard of Bortfelde, Conrad's provincial superior.

(40) "cum omni jure et libertate, que jam dicta domus et fratres inibi hactenus possent" in Conrad's act, while Gerhard's has only "cum pertinentiis"

has generally been paid by commentators to the existence of such general formulations, or the question of what specific meaning they might convey.

The 1240 act connects Bantow with the dotal property of the Darłowo church, while the act of 1223 connects it with the dotation of the church of St. Adalbert in Sławno and its two filiates. This raises the possibility that the church in Darłowo was one of these two filiates, and there is strong support for this identification from further evidence surrounding the alienation of the property in Bantow. This evidence is necessarily circumstantial for a reason already encountered previously, - it was impossible under canon law for a religious order to sell the dotal endowment of a church, or to make such a sale a matter of record. However, Peter of Neuenborg, who acquired Bantow from the Order in 1320 for 500 marks, sold a number of properties, including the patronage of the churches in Darłowo and 'Zizow' in the following year for 1 000 marks to his nephew, Jasko (Jesco). Among the witnesses of this sale was John (?), the Hospital's commander in Sławno.⁽⁴¹⁾ The circumstances of the second transaction and the disparity of the sums of money between the Hospital's sale to Peter and Peter's sale to his nephew strongly suggest

41) 25 November 1321, PUB VI 3547. Jasko subsequently established himself as 'lord of Sławno'. His kinsman, the Hospitaller commander "Zirsko", whose name so exercised Hoogeweg, witnessed a number of Jasko's acts, 1330 (undated) PUB VII 4571, 1331 (undated) PUB VII 4619, 12 April 1333 PUB VIII 5055 and 21 December 1333 PUB VIII 5118, as well as an act of another local magnate Gresmar, 12 April 1333 PUB VIII 5053. The name of the commander in PUB VI 3547 may be incorrect. It is possible that the provincial head Conrad of Dorstat was the witness on that occasion. Zirsko was probably the first resident, locally-connected commander of the house in Sławno.

that the sale of the two churches was the subject of a parallel, unrecorded transaction in the previous year.

In conclusion, the ownership of the parish in Darłowo, more so than the possessions in Kołobrzeg (where the former foundation of the cathedral chapter was dominant) can be seen as an asset capable of eventually supporting a new house of the Order (the case of the Order's ownership of the churches of Rogoźno and Kościarń in Wielkopolska may be compared). It is likely that the original of the the act of 1240 recorded the creation of a new parish there from the former filiate. Nonetheless, there was no subsequent attempt to make use of the property evidenced by the provision of titles, as can be seen in Copan and Zachan. It is, therefore, unlikely that the possessions in either locality were ever houses or 'commanderies' of the Order; still less does it seem possible to envisage any conventual life or the undertaking of spiritual responsibilities beyond those associated with the ownership of the parish, and these would have applied only in the case of Darłowo.

Judging by the number of demesne properties in dependence on the two houses of Sławno and Stargard which were covered by grants of seignorial franchise, the Hospitallers' endowment in Szczecin-Pomerania can be considered substantial: in addition their churches in Stargard and Sławno, and the latter's two filiate parishes represented assets, which must have appreciated considerably in the course of the thirteenth century.

The Hospital's further ambitions in the principality were made manifest in legal action taken against Barnim, the ruler of Szczeciń-Pomerania in 1269-70. Two circumstances providing the background to the dispute deserve attention: the provocative support of both Military Orders through the transfer of property in the borderlands of Wielkopolska and Pomerania by Władysław Odonic and his successors; and an understanding arrived at between the Hospital and the bishop of Kammin in the 1260s, which gave the Order of St. John invaluable support in formulating their eventual demands and gaining consideration for them at the Holy See.

Władysław Odonic's donation of Chorytowo in 1237⁽⁴²⁾ formed the basis of one of the Order's principal claims.⁽⁴³⁾ The Wielkopolskan princes can also be seen as the most likely source

42) 23 May 1237, CG 2162

43) Hoogeweg, loc cit. further itemises the claims (which he dates to 1268) dividing them between those in the 'Neumark' ('Reetz, Kürtow and Klücken') and others within Barnim's principality proper.

of the claim to the fortress of 'Retz' (Recz) neighbouring Chorytowo. In 1252, at the request of Theoderic, the 'magister' in Poznań, Przemysław of Wielkopolska offered protection to the inhabitants of two 'vills' Zalocino (Sallentin) and Colo, which were situated in Pomeranian territory.⁽⁴⁴⁾ A similar policy can be seen in grants made to the Templars by the princes of Wielkopolska in the Kostrzyń territory, which culminated in the grant of the entire district by Bolesław of Wielkopolska to the Order at the very moment when the margraves of Brandenburg were establishing control of the region.⁽⁴⁵⁾

Decisive steps towards conflict with the princely family in Szczecin-Pomerania were taken in the 1260s, when, forearming also for anticipated conflicts in Gdańsk-Pomerania, the Hospitallers offered certain of their ancient privileges to Bishop Hermann of Kammin for confirmation. The bishop had ambitions of his own for the creation of an independent lordship in the anticipated ruin of the political authority of the Pomeranian princes, who were threatened by the advance of the margraves of Brandenburg. On October 18 1262, two privileges were offered for confirmation by an unnamed 'magister' of the Hospital:

(44) 12 March 1252 KDwp 200 (CG 2592) According to Hoogeweg, op cit. pp 888-9, Zalocino (Sallentin) was a property later listed among the Hospitaller possessions near Pyrzyce (Pyritz): but 'Colo' paired with Sallentin here and in 1229 remains unidentified. Hoogeweg, op cit. p 871, further says 'Colo' cannot be the property of this name near Szczecin, since that was owned by the abbey of Kołbacz. However the abbot was indicted in the Hospital's law-suit precisely because he was occupying property claimed by the Hospital, while properties near Pyrzyce in later Hospital ownership are more likely to have originated in the Temple's dotation in that district. Accordingly, Hoogeweg's indications of the two sites cannot be regarded as definite. 'Zalocino' and 'Colo' head the property-listing in the surviving text of the 1229 act; since this is only known from the transcript of 1262 [although, according to Hoogeweg (op cit, p 870, Note 8), its original had been seen by the earlier writer, Kreysig], this may be an interpolation. (45) See below, Chapter 6 / 2 and 5

the privilege of Barnim from 1229 and the first falsified version of the privilege of Grzymisław with the putative date of 1198.⁽⁴⁶⁾

This activity presaged a two-pronged attack.⁽⁴⁷⁾ For the moment only the relevance of these proceedings for events in Szczecin-Pomerania shall be considered. The confirmation of the 1229 act had a clear purpose in the aim of strengthening title to the Order's Szczecin-Pomeranian properties, perhaps in preparation for what might befall in any coming conflict from a number of potential enemies.⁽⁴⁸⁾ At this point the Hospital may even have been unsure of the quarter from which danger threatened: if undecided on their breach with the Pomeranian princes, they had reason to fear the Brandenburgers: if already contemplating their wide-ranging claims in Pomeranian territory, they could have feared confiscation of those properties they held under genuine title; (and, in fact, this last possibility appears to be what actually happened).

The open breach occurred in 1269. In an undated act of that year, Bishop Hermann confirmed the papal bull of Gregory IX from 1238 for the Gdańsk-Pomeranian houses of Lubieszów and Stargard.⁽⁴⁹⁾ The Hospitallers already held a bull for Szczecin

(46) The transumps of 18 October 1262 are PUB 723 (Grzymisław's Gdańsk-Pomeranian act of 1198), and PUB 724 (Barnim's confirmation of 1229)

47) See below, p 286 Note 73. One thrust, supported by a forged privilege of a previous bishop of Włocławek was concerned with broadening the Order's assignation of tithe to cover all properties in certain regions of Gdańsk-Pomerania. It is not surprising that the bishop of Kammin should have relished the generation of a quarrel over tithes owed to the bishop of Włocławek, whose Pomeranian authority he resented.

48) Cf Chapter 6 Section 5. The years 1261-3 were pivotal in the Temple's regional diplomacy. There are indications that the Military Orders collaborated in reaching their eventual alignment with the margraves of Brandenburg; they were eventually joined in this alliance also by the abbot of Kolbatz (Kolbacz).

49) The transumpt of 1269; Perlbach 241/ PUB 900

Stargard, and, episcopal pretensions aside, property in Gdańsk Pomerania was no concern of Bishop Hermann's. The proceeding was therefore curious, but its impact was enormous: relying on the description contained in the original Gdańsk-Pomeranian donation of Stargard as a 'castrum', the Hospitallers laid claim to the Szczecin princes' town of Stargard.⁽⁵⁰⁾ Hoogeweg expresses astonishment at this, rightly pointing out that there could have been not the slightest foundation for such a claim; it could, however, be sustained on a deliberate confusion and misapplication of old privileges. No actual alteration or forgery was necessary, and papal bulls could be quoted to lend support.

Information on the progress of the law-suit is provided by two letters of the Dominican friar, Albertus Magnus, who was appointed papal judge in the case, the first of which, was addressed to Duke Barnim and a number of his vassals:

" Brother Albert of the Order of the Friars, formerly bishop of Ratisbon, appointed executor by the Holy See under the mandate of Pope Clement IV of blessed memory, to place the Magister and brothers of the holy house of the Jerusalem Hospital in Germany (Alamannia) in possession of the castle of Rez and of the properties (villarum) of Choricowe, Clukin, Zukan, Zukowe, Sadelowe, Sulim and Thumercelize, with all that belongs to them, and of the town of the noble man, Barnim, duke of the Slavs (Sclavorum, cf. the later title, which was 'dux Slavie (et Cassubie)), which is called Stargard: since I have found no movable property belonging to the said duke, which I might attach for the enforcing of this order, I solemnly, strictly, and publicly forbid anyone to presume to disturb them (i.e. the Hospitallers) in their possession of the properties named... Accordingly, since the abbot of Kolbas and the noble Barnim, duke of the Slavs, or of Stettin, Johannes of Lieuenowe, Gobelo the Marshal, Arnoldus of Pinnowe, Henricus and Dietericus brothers of the same John (i.e. of Lieuenowe), and Diethricus of Cothene, milites, Johannes of Zukowe and his brother, Ludewicus of Wedele, Henricus, Johannes and Woltherus of Sadelowe, Guntherus and Diethmarus called Stalb(e) (Stalbm), Henricus, Johannes and Henricus of Thumerzellice, Brendekinus, Martinus and their brothers, the brothers Reinikus and Meinikinus, Johannes of Gerboldesdorf and his brothers, Martinus called Swake, Johannes de Benz, Johannes de Valkenberc, Heine called Vngnade and Johannes his son-in-law,

(50) (meaning in this case the property of a castellany)

Wernherus of Nichamere, and Heine of Zukowe,.. and the widows and sons of the following - the late Ludekinus of Basdowe and Johannes his son, ... the late Johannes of Einecot,..the late Guntherus of the same place, all of the Kammun diocese, since they have dared to oppose what I have ordered, and through their malice and force prevented the said Magister and brothers hitherto and continue to do so: so that the Magister and brothers may obtain, and obtaining enjoy the possession of the property as listed, I now, not without sorrow, in the name of the Lord, by the authority granted to me in this matter by the Apostolic See, by this letter excommunicate and pronounce excommunicate and to be shunned by all men, the abbot, the duke, the milites, the widows and the above-named laymen, and all others, who have hitherto impeded, or hereafter in like fashion shall dare to impede what I have ordered." (51)

It has long been a source of puzzlement how such a blatantly fraudulent series of claims came to be mounted, and how they could hope to be seriously considered. (52) It is true that the claim to Chorytowo has an identifiable basis, while that to Stargard, although spurious, has a logic to it which is recognisable, if corrupt. The possessors of the principal interest in the villas named in the claim were ducal vassals rather than older-established families occupying hereditary estates; this may be inferred from the predominance of German names. (53) It is possible that the Hospitallers, anticipating the wholesale dispossession of the duke and his vassals under the encroachment of the margraves, decided to lay claim to the principal fiefs where they held smaller holdings, using whatever unrecorded title they had to the latter.

(51) 12 August 1269, Riedel I (6) p 17 No. 16 (PUB 891)

(52) "The causes and outcome of the dispute remain unclear.. the Hospitallers claimed the duke's town of Stargard to which they were not entitled.. could this have been the start of the whole trouble?..or was the monastery of Kolbatz, with which they were before long embroiled over possession of Arnswalde (Choszczno), behind it all ?" Hoogeweg, op cit, p 876. Cf Note 44

53) Hoogeweg, loc cit., while noting that "Sulim and Thumercelize" remain unidentified, adds charmingly that the latter gave its name to a noble family. But three of the place-names (Zukowe, Sadelowe and Thumercelize) are associated with particular families named as parties in the dispute (how noble these might have been I shrink from judging): the explanation of the ascriptions is that they were occupying the properties which the Hospital claimed.

An act issued by Prince Bogisław in 1280, published in 1934 by H. Frederichs, provides substantial elucidation of the course of events following Albert's intervention, for which no direct information was previously available. This act suggests that the Order had received certain of the properties which it claimed in the interim, but that Barnim's successor, Bogisław, was intent on ejecting them once again, announcing that he had "zu losunge des fleckes Zuchan und dorffer Zuchaw, Schwanebeke und Sadelow vom Meister des ordens zu Ierusalem ein Steur gewilget." Rates were set for the payment of rents by laymen and clerics, headed by the Prior of Szczecin, who were to occupy the Order's estates.⁽⁵⁴⁾ It is the fact that these intended occupants were different from the individuals named in 1269-70 which suggests the Hospitallers' installation in these properties in the intervening period. (It also offers a clue to the earlier method of proceeding against the Order.) Furthermore, the Hospital's principal site in Zachan is named here for the first time, and since this lay in the same district as Recz and Chorytowo, it can be deduced that the composition of the quarrel with Barnim gave the Order Zachan in satisfaction of its claims.

The combative legal procedure adopted by the Hospital in Szczecin-Pomerania may be compared with similar actions of nearly identical date in Silesia and in Austria, which were also promoted through the aid of papal judges-delegate.⁽⁵⁵⁾

(54) (Undated) 1280, PUB VII 4669. Published in H. Frederichs-Herzog Barnim I im Streit mit dem Johanniterorden. In *Baltische Studien*. Neue Folge (1934) p 265-6.

(55) See above, p 210 Note 111

The statement that the 'magister' in Alamannia was the moving force behind the claim is also instructive, since it suggests that the preparation of the claim through the transumps of the bishop of Kammin in 1262, which were made to an unidentified 'magister', was probably the work of the same official. Narrower identification of the impetus behind the Hospitallers' démarche is possible. The senior foundation of the Hospital's eastern German province, Werben, which originated in the grant of Albrecht the Bear of 1160, had enjoyed a loose provincial seniority over more recent foundations in Mirow, Nemerow and Gartow. These houses, initially each representative of the Order of St. John in one of the new German principalities of the Baltic littoral, later constituted a single province within the Hospital's German priorate. The Order invariably displayed flexibility in its administrative provision, and was reponsive to changes in the territorial base of political authority (racial perceptions of a kind readily translatable into the habits of modern, or one might say pre-modern, thought do not appear to have been prominent): ultimately the office of the Saxon, or eastern German prior became the core of a power-base of great regional significance, and at a later stage, all the Pomeranian houses were integrated into its structure; (indeed, they had an importance in its internal politics, which has not hitherto been appreciated).⁽⁵⁶⁾

The events of the law-suit mark the point at which the Pomeranian Hospitallers moved from a Polish, (more strictly, Bohemian) association to inclusion in the Saxon group of houses.

(56) See below, Chapter 5 Section 6

Whereas, in 1252, the 'magister' in Poznań had solicited protection for the Pomeranian possessions, by 1262 responsibility for Pomeranian affairs had evidently passed to the 'magister' in Werben. The holder of this office in 1271 was "Ulricus of Velleberc" ⁵⁷⁾, who was further described as "sacre domus hospitalis Ierosol. per Saxoniam et Slaviam vicepreceptor" ⁽⁵⁸⁾ The prosecutor of the Pomeranian claim was surely this same Ulrich, or his immediate predecessor.

The emissaries chosen, after the promulgation of Albert's first sentence of 1269, to journey into Pomerania to enforce it were two Hospitallers from Mirow, Peter the priest and Ludwig the deacon of the house. Albert's second document laying an interdict on all those named in the earlier letter, describes how Barnim seized, imprisoned and terrorised these two German Hospitallers. ⁽⁵⁹⁾ With this the record of the law-suit closes. Subsequently, both the Hospitallers and the Templars were named in a general peace which the Pomeranian duke and his vassals made with their opponents. ⁽⁶⁰⁾

(57) 29 July 1271, Riedel I (6) p 19 No 18

(58) *ibid.* While two separate descriptions of the title and office of, apparently, the same individual within the same document may be held to be confusing to say the least, in reality this tentative process of definition of the locus of authority is an invaluable, if difficult and possibly contentious, guide to the internal structure of the Hospital in a time of transition. The use of the title of 'vice(s)preceptor' is rare in the Hospital, more common among the Templars. The title of 'magister' in "magister... domus sepedicte (i.e. of Werben)" was a more established and familiar designation of a holder of provincial authority within the Order.

(59) 16 April 1270, Riedel I (6) p 18 No 17 (PUB 914)

(60) 13 August 1284, Riedel II (1) p 176 No 230. Under terms of a general peace Prince Bogisław undertook, in a codicil, not to attack the Templars in Roreke, the Hospitallers in Copan, or the Cistercians in Kolbatz. Possibly this promise was not kept (see note 52). The Hospital was indebted to the margraves for a share of their Pomeranian gains, usually given at times of crisis and as far as one can judge, judiciously. The Military Order and the Brandenburgers were very far from the natural allies frequently supposed. See below pp 353-4

There are strong indications that the result of the Hospital's quarrel with the Pomeranian duke was their dispossession from some properties which they had formerly possessed. This is indicated by the documents describing the course of the law-suit (where I suggested that the names of original properties were intentionally omitted), by Bogisław's action against the Order (which can be shown to have had lasting consequences with the Prior in Szczecin still witnessing in business for Hospitaller properties several decades later). It is also evident that the Hospital experienced great difficulty in maintaining itself in the Stargard region, and it cannot be firmly placed in possession of the church of St. Mary there before 1324. When Bishop Hermann of Kammin confirmed the dotation of the church of St. Jacob in Sława, in 1273, his act may also indicate the restoration of the church's property to the Order following their dispossession.⁽⁶¹⁾

The restoration in Sławno marked the start of a recovery in the Hospitallers' fortunes, which ultimately saw them established in a number of old and new sites: in Zachan (Suchań) where they had, apparently been first compensated, then in 1280 dispossessed: in Copan where, for a time, they had their provincial seat: in Choszczno, which they had claimed from the Cistercian house of Kołbacz (an enemy in 1270, an ally in 1284): and in Gołeniew.

(61) 22 November 1273 PUB (VI) 3977. Although it is stated in the act that the Hospital had long possessed these dotal properties peacefully, this may simply be a matter of correct form. One consequence of the progressive reduction of the Szczecin-Pomeranian princes to vassalage, was a corresponding increase in the temporal authority of the bishop. In this respect, too, alliance with the bishop was valuable for the Hospital. The demesne properties in Sławno which were listed in 1229 were lost, however.

(6) Copan and Zachan

In the aftermath of the law-suit of 1269-70 the Hospitallers, surely anxious to establish some new local structure for their representation, were obliged to seek new supports in local society. This happened at a time when, in the Order as a whole, officials with local connexions were increasingly replacing the outsiders who had formerly been appointed to resident posts. Their new arrangements and the hint of a reconciliation are intimated by three acts enacted at the ducal court; of these the first, issued in 1287, contains the following provisions:

" Buguzlaus,... duke of the Slavs,...I, together with my dear brothers Barnim and Otto, dukes of the Slavs, by the advice of our vassals, have given to our dear attendant, Brother Erardus of Copan, for the term of his life, a hereditas in Golnow, which de Anvelde had before, and a further 6 mansi there to possess peacefully. At his death, however, the same hereditas and mansi with all their movable and immovable property are to be appropriated and donated to the 'magister' and brothers of the Hospital of St. John in Copan for their perpetual peaceful possession." (62)

This act, issued in Stargard, was addressed ostensibly to an unnamed 'magister' of the Hospital in the hitherto unfamiliar property of Copan. (63) One may be certain that this magistracy conveyed a certain provincial responsibility, which was probably

(62) AA pp 224-5 (PUB 1430). In 1284 a regional treaty protected both Orders from further attacks by Bogisław, Riedel II (1) p 176 No 230. In 1288, the Templars received compensation for war damage, see below, p 367 Note 173.

(63) Copan was the seat from 1285, when the 'magister' was Burchard (PUB 1444 / 1513, quoted in Hoogeweg p 874), until at least 1295 and possibly later (See below Note 69). Hoogeweg states that its site is unidentified; however, the Order's later dealings with Jasko of Sławno suggest it was eventually ceded to him (21 December 1333, PUB VIII 5118), and so it is likely to have been situated in the region of Sławno. The Order owned the church in Gołeniew in 1368, (Hoogeweg p 877) and may have done so at this date. Accordingly from 1285 two new sites are encountered and two names, Burchard and Gebhard which might be associated with new sponsoring families.

at this date confined to the Szczecin-Pomeranian principality. It is also probable that any such official in the past had taken his title from the house in Stargard. The inference must be that the Hospitallers had either lost their Stargard church, or were inhibited from still treating it as their provincial seat.

This act further suggests that in re-establishing themselves in Copan, the Hospitallers were reliant on new sponsors, among them the newly enfeoffed ducal vassal, "Erardus", who was also a member of the Order. This is the first explicit instance in Pomerania of a new development in the Hospital's local organisation under which the Order's interests were in several places attached by representatives of local nobilities, who combined donations at entry on a scale appropriate to their ambition with a local supervision useful to themselves and their families. "Erardus" was one of several such officials.

The second instalment of the new house's dotation came in a second and more extensive donation from 1291: again there was a personal enfeoffment of "Erardus" (here called Gerard) with reversion of the property to the Hospital:

" Bugguslaus, Barnym and Otto, brothers,...dukes of the Slavs and of Cassubia,...wishing to show special favour to brother Gerard of Golnow...we have given, as a donation, 10 mansi in the campus of the town of Golnow with their fields, and a fourth part of the vill of Crywat with half the tavern of the same vill, with every right and use that may be had in them. Also two parts of the vills of Little Stepenitz and Gantzerin: these, with every right and usufruct within their boundaries....just as Woyceych the father of the younger Woyko, miles, held it in his time by feudal law .. (uti possedit suis temporibus jure feodali)... we have made this mark of special favour to brother Gerard for the term of his life ... and, when this has run its course, we confer and appropriate the said favour to the house of Copan of the brothers of the house of the Hospital of St. John of Jerusalem..."(64)

(64) 17 January 1291, AA pp 225-7 (CG 4138 / PUB 1568)

The site of Stepenitz (Stepnica), mentioned in the act should be thought of as forming part of the new endowment of the Hospital in and around Goleniów, rather than as providing a clue to the site of Copan. The endowments in Goleniów and Copan were alienated separately at a later date.⁽⁶⁵⁾

The name of the sponsor of the order in the Goleniów district, differs between the two acts; in the act of 1287, he is referred to as "Erardus"; however the name given in the act of 1291, is Gerardus. This Christian name (Gebhard) was used by the Bortfelde family, which had a later Pomeranian connexion which shall subsequently be described. Among the witnesses of the 1291 act there appear two brothers, "Fridericus de Hinnenborch et Hinricus suus frater". This is the family name, later encountered in the easily recognisable variant form of Henneberg, of the first Herrenmeister.⁽⁶⁶⁾

These two privileges of 1287 and 1291 had the force of an original endowment: accordingly the Hospitallers secured their confirmation when the infant Bogisław attained his majority; they are the privileges principally intended by the general confirmation of 1303, under which Bogisław confirmed all the acts of his minority for the benefit of the Hospital.⁽⁶⁷⁾

The resiting in Copan proved a temporary expedient. It was in 1312 that the seat of the Order in Szczecin-Pomerania was first described as being at Zachan⁽⁶⁸⁾: in that year,

(65) *ibid.* Ledebur's commentary. Copan was acquired by Jasko of Sławno before 1333 (See Note 63). Stepenitz was sold to the Wollin abbey in 1361 (Hoogeweg, p 864)

(66) See below, 326ff. The families of Wartenberg and Werberg also had Pomeranian associations.

(67) 1303, PUB VI 2071 (CG 4582) recovered by 1295. (PUB 1730, quoted in Hoogeweg, p 885)

(68) Zachan had been

Helperich of Rüdigheim who held the title of Grand-Prior in 1309), used the style of 'in Zachan' as his rank-conferring title for the issue of his act as provincial superior to confirm the sale of Moitzelin.⁽⁶⁹⁾ In 1320 The sale of Bantow was also confirmed by the act of a provincial superior, Gerhard von Bortfelde, issued in Zachan.⁽⁷⁰⁾ Another eminent figure in the eastern German province, Ulrich Schwabe, made a brief intervention in Pomeranian affairs, receiving the donation of the church in Choszczno (Arnswalde) in 1308.⁽⁷¹⁾

While the title in Zachan was reserved in this period (but not subsequently) for the provincial superior, the resident regional heads made use of the commanders' titles available from the two older properties, Sławno, and (after 1324) Stargard. The later use of the title of commander in Sławno, Roreke, or Zachan implied the concession of rank to a particular individual; more often the representatives of the Order in its Pomeranian churches were simply styled 'plebani'.⁽⁷²⁾

(69) "Frater Helpericus de Rodinghen sacre domus hospitalis sancti Johannis Jerosolimitani per Alemanniam nec non frater commendator in Sucham - totusque conventus ibidem." 1312 AA pp 231-2 (PUB VI 2704). Helperich and Berthold von Hennenberg both held supra-national titles in 1309 (cf CG 4848)

(70) 9 October 1320 AA p 233 (PUB 3409)

(71) 28 February 1309, CG 4851. Margrave Waldemar granted the patronage of the churches in Choszczno and Freienstein to Ulrich and the house of Nemerow. This was a partisan donation, as was another by Otto IV of property in Gdańsk-Pomerania dated 23 August 1308 (CG 4815).

(72) Of Hoogeweg's list of commanders in Sławno, pp 883-4: Berthold (1271, from PUB 935), John (1296-8, PUB 1753 / 1861) and Christian (1285, PUB 1336) were priests (plebani). John de Rogów and Conrad of Dorstat had a specific provincial function. Zarzko ("Derseko oder Zirsekow") who witnesses between 1329 and 1333 (PUB VII 4571 / 4619 / VIII 5053 / 5055 / 5118) was Jasko of Sławno's uncle. His successors were frequently 'plebani'. Conrad of Dorstat's deputy was Ludolf in Stargard, who was described on 29 November 1326 as "commendator in Stargarden und Tzochan" (PUB VII 4238). George of Kerckow was commander in Zachan in 1318 (PUB 3167) apparently without provincial responsibility. From about 1330 the provincial structure would appear to have been regularised.

7) The Hospital's Beginnings in Gdańsk-Pomerania:

A privilege, ostensibly that of Grzymisław, who describes himself in it as "one of the princes of Pomerania (qualiscunque unus de principibus Pomoranie)" is preserved in two later confirmations: the earlier, that of Bishop Hermann of Kammin from 1262, has already been described: the second, a transumpt of Mściwoj (Mestwin), prince of Gdańsk-Pomerania, was issued in 1291.⁽⁷³⁾

The provisions of the 1262 version are these:

" Grimizlaus, one of the princes of Pomorania...to honour God and the Holy Sepulchre and St. John the Baptist I have given from my own inheritance (hereditate), which was left to me by my forefathers, my 'castrum' which is called Starigrod, with all the lands and forest and waters and tribute that belong to it: I have also given all the land between the merchants' way which leads into Gdantz and the Verissa river as far as the boundary of Camerou. I have also given the vill of Camerou itself and another, Reuenin-ov, and this last I had given previously (quam etiam iam dudum dederam) as far as the boundary of Pogodcou, with all its forest and fields and meadows and lakes, and the river called Vethrica with all its beaver-pelts and fishing. As well as these I give, in addition, two deserted vills named Scedrou and Cernotino: and so that the brothers of the hospital may, without fear of me, settle men in these vills, I have also given to St. John what pertained to me (quod me contingebat) from above the river Verissa and from the castle named Vissoke up to the limits of Jarosou, with the beavers and whatever benefit may be had there through damming and

(73) 11 November 1198 - (18 October 1262, Perlbach 9 (PUB 723)/ 5 February 1291, Perlbach 10 (474)/ CG 4143: The transumpt of King Przemysław, dated 11 August 1295, Perlbach 474 n has the same text as that of 1291). While it is quite evident (cf Perlbach 10) that the second version is a falsification, intended also to aid the Hospital in its dispute with the abbey of Pelplin over the property of Mahlin [The forgery of an act of Świętopełk dated 19 June 1248, Perlbach 164 (CG 2475) was also applied to this purpose]. It further specified the Order's claim to tithe provision in terms which satisfied their needs in 1291. Perlbach's conclusion (op cit. No 10), in reviewing the original work on this topic of Maroński, is that that author goes too far in also declaring the 1262 transumpt a later falsification. For Z. Kozłowska-Budkowa, however, (Reper-torium, pp 131-2: (1262), No. 141/ (1291)/ No. 142), it appears a matter of settled opinion, that both transumpted acts have been substantially interpolated. There are overwhelming grounds for accepting this view, some provided by Perlbach himself in his comments on other documents.

fishing: and so nothing may be omitted to preserve the brothers' peace I state that their boundary on the Vetrice river falls where the stream of Rudcounica joins its course. Further to increase their store of wealth I give to the same hospital the church in Lubissou dedicated to the Holy Trinity, with all the prebend that I had appointed there previously for two chaplains to serve the Lord, with the tithe of two villis Thescov and Beale which the lord bishop Stephan gave to the same church when he consecrated it, with all my tithe-rights on cultivation (cum omni decimacione arature mee) in the whole province of Jatluna, with all the tithe from the beaver-pelts of the Verissa and the Visla, with the tithe of all sturgeon and salmon and all other kinds of fish, the tithe of horses, cattle, sheep, pigs and geese, the tithe of portage from the treasury, the tithe in coin from the mint and from the tavern..."(74)

The document certainly contains a considerable range of detailed provision; nonetheless, it would involve too subjective a judgement to state baldly that any particular document is too specific and too prescriptive for its period. The act of Henry of Sandomierz for the house in Zagość, to give one example previously discussed, contains a quantity of very precise detail.

The suspicious element of prescription in this version of the act, and this is still more the case in the version of 1291, is the delineation of boundaries by reference to geographical features. Other early examples of official language recording the administrative procedure of delimitation of boundaries, which have so far been considered (and other examples could be adduced) refer only to the fact that the limits of a property have been marked out.⁽⁷⁵⁾ Such a degree of specific geographical reference as appears in the texts of 1262 and 1291 belongs to a later period of written record. It is significant that when these two versions of Grzymisław's act passed as titles into the archive of the Teutonic Order, they were registered as

(74) Perlbach 9

(75) The Zagość act (1154/5, CG 213) refers to the noble who carried out the marking of the borders; this was the usual earlier practice.

boundary records. (76)

Whatever interpolations have been made, the two texts are clearly something more than outright fabrications: however to recognise that they appear to contain elements of a genuine original still leaves the task of assessing which of the provisions can be considered genuine.

The existence of the original at an earlier date is confirmed by the issue of the papal bull of 1238, which explicitly mentions Grzymisław's 'letters'. In addition, the arrangement of tenses in both later versions supplies a rudimentary chronology of benefaction: the current business of the original was the donation of the church in Lubieszów, its 'prebend' and miscellaneous tithe-rights: this new donation was coupled with the general confirmation of the earlier transfer of the 'castrum' of Stargard (Starigrod) and additional properties under terms of 'immunity': finally, the description of the secular properties contains a reference to a still earlier and smaller donation in the same region. (77)

The description of the 1262 version corresponds well with the constituent parts of the property nexus associated with the district of Skarszewy (Schöneck) where the Hospitallers are identifiable as principal lords and proprietors of the town of

(76) cf the registrations of the two versions of the 1198 act in Joachim & Hubatsch Nos. 1 a & b, as 'Grenzbeschreibungen': in fact they are similar to a series of boundary descriptions, which began to be issued towards the end of the thirteenth century. The first of these in the Hospital's former Königsberg archive, dated 1275, Perlbach 274, came to them as title with a property obtained in a later exchange.

(77) Perlbach 9 /10.

Skarszewy itself.⁽⁷⁸⁾ The 'terra' delineated in the act contains the site of the future town, while Camerou (Kamerov) lies to the north, Reueuinov (Borownose) to the south, and the adjoining Pogodcou (not in the Order's possession) to the south-west. The two deserted vills, Scedrou (Schadrau) and Cernotino (Czarnotschin) lie to the north-west and the south respectively.⁽⁷⁹⁾

At the time of donation, however, the principal property interest of which these elements formed a part was more properly to be described as the 'castrum' of Stargard: the miscellaneous property and rights which supported the office of castellan and were in the prince's gift. On earlier occasions, in Poland as well as in Pomerania, such castellanies had been employed for the endowment of bishoprics.⁽⁸⁰⁾ In the final stages of the text of the 1262 version just quoted, it can be seen that the Hospital obtained, as their judicial and economic franchise for their possessions, the rights and revenues which would ordinarily have been collected on behalf of the prince by the officials of the castellan.

Whereas a common expression covering early grants of judicial or economic immunity in other contexts is one conveying exemption from the attentions of the castellan or ducal officials, in the particular circumstances of the donation to the Hospital of property formerly pertaining to a castellan's office, the

(78) The date and circumstances of the foundation of the town must be considered uncertain. Probably the Hospital had market rights during their period of ownership. (79) Perlbach 9, Notes provides these identifications

(80) A methodology for reconstruction of conditions in the early part of the twelfth century is demonstrated in St. Arnold-Władztwo biskupie na grodzie wólborskim. This type of enquiry is beyond the scope of the present study; however, it is important to appreciate that the Hospital inherited a substantial local position in the Skarszewy district.

concession of franchise could be expressed in the highly unusual and revealing formulations contained in both versions of the 1198 act, "cum... tributo" and "Et ut fratres hospitalis sine timore mei possint homines in prefatis villis collocare dedi eciam beato Johanni quod me contingebat...etc." (81) Ordinarily, the effect of the concession of seignorial franchise was to allow the lord to levy the prince's exactions on his own account; here it is directly expressed as an alienation of the prince's revenues.

As we have seen, permission to settle new cultivators implied the franchise of lordship, judicial and economic; here, rarely this relationship is made explicit. Whatever difficulties interpretations of the conditions of franchise have caused modern commentators, the sense of the concession was capable of ready interpretation by contemporaries. When the original privilege came to be presented at the Curia these provisions were rendered in the resulting bull as "exemptas ab omni exactione seculari". (82) The other properties covered by the issue of the bulls of 1238 in Poznań and in Pomerania had solicited documents in the previous decade with the specific intention of reinforcing their title to franchises: in the case of the possessions in Gdańsk-Pomerania,

(81) Perlbach 9

(82) " Gregory...greetings to our dear sons, the prior and brothers of the Jerusalem Hospital in Moravia...we confirm by apostolic authority the houses of Lubisseu and of Stargrod with their dependent properties, which, you assert, G. who is clearly remembered, the prince of Pomorania, in so far as they belonged to him, granted you with devout generosity, exempt from all secular exactions, just as can be seen to have been provided in his letters on this matter." Perlbach 64. For the deliberate confusion of the terms of donation of the 'castrum' in Gdańsk-Pomerania with the donation of properties dependent on the house of Stargard in Szczecin-Pomerania in the course of the law-suit of 1269-70, see above p 276 Note 50

Grzymisław's act alone constituted a sufficient description.⁽⁸³⁾

If the core common provisions touching Stargard / Skarszewy from the two versions of 1262 and 1291 can be accepted as rendering the terms of the 1198 original, then some idea of the process of donation can also be obtained. It is stated that one of the villas, Reueninov had been donated earlier than the rest of the property; this would be consistent with the process observed elsewhere, under which an original, more modest, project of benefaction underwent a significant expansion of scale, coincident with the preaching of the Third Crusade from 1187. The more extensive assignment of property in Stargard including the transfer of the rights pertaining to the castellany might accordingly be dated to the period between 1187 and 1198, while the completion of the core endowment of the Order, marked by the donation of the church in Lubieszów, occurred in 1198.

Apart from the anachronistically precise specification of boundaries in the description of the Stargard / Skarszewy property, additional problems of plausibility in the text of the 1262 and 1291 versions of Grzymisław's act are raised by the provisions which they contain concerning the church in Lubieszów. The donation of the church itself at the earlier date is unexceptionable: it is confirmed by the reference to Lubieszów in the

(83) Kaczmarczyk, op cit. 376ff restricts discussion to his own argumentative model. He attaches a particular significance to the phrase 'omnibus judiciis', which he considers an expression of complete jurisdiction: the clear fact of forgery in 1262 and 1291 leads him to conclude that a complete franchise may have been conceded originally, and certainly existed when it was recorded in the later forgery. The implications of the bull of 1238 and the definition of the 'immunity' in terms of the office of the castellan are ignored.

papal bull of 1238⁽⁸⁴⁾: but the descriptions of the tithe provision associated with the church are highly suspect in both versions. The phrase assigning the tithe of Thescov and Beale to the church at its consecration was the object of the forgery of an act of Bishop Michael with the putative date of 1243⁽⁸⁵⁾: it is, accordingly, readily identifiable as an interpolation in both transumpted versions of the 1198 act.⁽⁸⁶⁾ The further serial enumeration of tithe in the province of Jatluna in the 1262 version can only be regarded as a provocative elaboration of the original to the detriment of the bishop of Włocławek, which the bishop of Kammin in 1269 readily approved.⁽⁸⁷⁾

This, rather than the assignment of tithe in 'Thescov and Beale' (which the bishop of Włocławek nonetheless also disputed) was the cause of the first round of litigation between the bishop and the Order, which was brought to a conclusion in 1290.⁽⁸⁸⁾ The source of that quarrel, which affected the

(84) CG 2913 The phrase in the bull, "de Lubisseu et de Stargrod domos.." may be compared with the listing of the Kołobrzeg properties in one of the two Szczecin-Pomeranian bulls (CG 2191); it is clear that this constitutes no firm indication of two houses. In fact the church in Lubieszów provided the first site for the Order's representation: subsequently it was removed to Skarszewy, but it is probably correct to think of only a single 'house' existing at any given time.

(85) (undated) 1243, Perlbach 80

(86) There appears to be an inconsistency between Perlbach's insistence, *ibid.* that the 1243 act is a forgery, and his willingness to accept the 1262 act as a genuine copy of the 1198 original, since the sole purpose of the former is to supply a record of the putative concessions of tithe by Bishop Stephen, which appear in identical terms in the two versions of the 1198 act.

(87) See above, pp 275/6 Notes 49/50

(88) 30 June 1290 Perlbach 467 (CG 4109) - The judges ordered the submission of claims to tithe from 'Lubisseu, Ricosseu, Charnoczin, Rounino, Chamorovo': 26 August 1290, Perlbach 470 (CG 4115) - they delivered judgement in the bishop's favour on the question of tithe, while acknowledging that the villas in question were the Order's property. Of the two forgeries of Grzymisław's 1198, while that from 1291 (Perlbach 10) doubtless helped the Order to dispute this verdict, only that from 1262 (Perlbach 9) could have helped it to maintain the claim contested in 1290.

Order's newly-developed properties was similar in substance to that already described in Silesia. The Order's willingness to resist the bishop's claim in respect of their own demesne holdings could well have been reinforced by some clear indication in the original of 1198 that the church in Lubieszów had been supported in the earlier parochial system by a particular arrangement indicated by the phrase: "with all the prebend that I had appointed there previously for two chaplains to serve the Lord." (89)

This formula stands awkwardly at the head of the series of claims in both the later texts: it is followed in both later cases by the 'Thescov and Beale' provision, and then by two differing elaborations of the tithe-area and tithe-revenues in kind that the Hospital wished to claim. One may conclude that the Order in justice had a good claim not only to the tithe from their own demesne properties but also to a much more extensive provision formerly attached to the Lubieszów church. However, in contrast to the situation in Silesia, they were unable to profit from episcopal good-will: indeed they had to contend with an unrelenting hostility, which resurfaced with devastating consequences in the second stage of the quarrel in the next century. (90)

(89) Perlbach 9 and 10. 'Prebenda' was the usual term applied to the property (including tithe) assigned to the support of a particular church under the pre-parochial system (See Wiśniowski- Parochial Clergy in Medieval Poland, (chapter) in ed. Kłoczowski-The Christian Community of Medieval Poland) The transfer of tithe and property to a parish usually involved a specific act performed by the bishop, which took place at the consecration of the church.

(90) This was the 'casus belli' in a private war conducted by the Hospitallers and the bishop against the background of the larger conflict between Łokietek and the Teutonic Knights. As junior allies, the Hospitallers were also obliged to make peace and resign their claims when it suited their masters. See below, Section 9

For a time the Hospital could reverse the effect of the 1290 decision through the aid of powerful allies, but in doing so they were deliberately disregarding a court judgement.⁽⁹¹⁾ Ultimately one feels this behaviour must have prejudiced their chances in the final stage of the law-suit with the bishop of Włocławek, which took place in 1340. In the intervening period, during the wars of the Teutonic Knights with Władysław Łokietek, the Hospitallers had proceeded with considerable violence against the bishop and his servants. When the bishop's claim, disputing the Order's tithe-rights in 'Thescov and Biale' was heard, their privileges had assumed the status of hate objects, and the commander of Lubieszów refused to present them to the court for fear that the bishop would seize and destroy them. Neither this plea, nor the eventual presentation of the privileges persuaded the judges.⁽⁹²⁾

(91) See Note 88. The two transumps of Mściwoj (5 February 1291 / Perlbach 476) and of King Przemysław (11 August 1295, CG 4292)) remained the Order's principal legal support and further transumps were made on the occasion of sensitive business.

(92) 29 September 1340, Preuss. Ub III 324. The final settlement formed part of a general tidying-up of regional disputes under the aegis of the Teutonic Knights as rulers of Gdańsk-Pomerania, which may also have influenced the Hospital to disengage from the region. Since the Hospitallers' legal position in their quarrel with the bishop of Włocławek was untenable, since too a judgement of forfeiture stood against the property of Lubieszów from the 1320s (See above p 138, Note 77 and p 141, Note 80) their dependence on the support of the Teutonic Knights and obedience to that Order's policy was complete. The consequences of this situation will be described in the next section.

(8) The Development of Skarszewy and Lubieszów

The actual stages of development of the Skarszewy properties are difficult to identify in that the 1262 text of the 1198 act can not be accepted as an original record. Nonetheless it is useful since the situation it describes was certainly in place by 1262, and it may represent an accurate attempt, in the light of contemporary knowledge, to describe the stages of development. Although two villas which were described as 'wastes' (duas villas desertas) were to be resettled by the Order, it is clear that these constituted only one element of the donation. There was no significant substitution of German names in the properties before the foundation of the town there. If the names first encountered in 1262 represent new settlements, it may be noted that they had Slav names.

The case of the properties around Lubieszów is rather different. The grant of 1198 recorded the transfer of the church. It is clear that the principal lordship of the place remained in the prince's possession, since this was donated by Mściwoj in an act of 1278, which concluded:

" In addition we have given to these same brothers and to their inhabitants there full liberty in perpetuity from all exactions, services and the duke's justice (under the authority) of all officials so that in the houses of the Order of St. John the Baptist our memory shall be preserved now and in the future." (93)

(93) (undated) 1278, Perlbach 300

Such a formula does not however exclude, as Perlbach would appear to believe⁽⁹⁴⁾, the ownership of secular property in the region of Lubieszów by the Order before this date; rather, it has to do with the transfer of the principal lordship and the concession of an appropriate franchise.⁽⁹⁵⁾ A further stage in the process under which the Order became principal lords of Lubieszów is revealed by the grant in 1288 of market rights.⁽⁹⁶⁾ Further demesne properties were acquired in the region of Lubieszów: this is suggested by the acquisition of mills in 1289, from Mściwoj⁽⁹⁷⁾, and in 1304, from Martin Rochitka.⁽⁹⁸⁾ There is, therefore, evidence for a considerable new development of the Order's interests in Lubieszów from the 1270s.

A commander of Lubieszów was first designated in 1290.⁽⁹⁹⁾ This was a significant development related to the changing administrative practice of the Order: later local representatives in the principality also designated Lubieszów as their seat.⁽¹⁰⁰⁾ Mściwoj's 1291 transumpt of the 1198 privilege of

(94) Cf Perlbach's commentary rejecting the act of Świętopełk donating Mahlin (see p 286 Note 73) [(undated) 1243, Perlbach 80 (indicated there as a forgery)] "They could not in any case have been 'fratres de Lubeschow' before 1278." (loc. cit.) This is not so: the style 'fratres de..' was used in two acts for Zagość and Wielki Tyniec, both dated 1244 (CG 2311 / CG 2325). In fact it is only employed within this period, and so indicates strongly that the forgery was based on a genuine original. Perlbach's judgement on the anachronism of the script and orthography in the act of 1243 should be accepted, nonetheless.

(95) There is analagous documentation for the ownership of proprietorial towns (miasteczko) by the Temple in Bahn (Pomerania) and by the Hospital in Makowo and Kosiów (Silesia), and in Sedlec (Wielkopolska).

(96) (undated) 1288, Perlbach 444 (CG 3981)

(97) 3 August 1289, Perlbach 454 (CG 4048)

(98) (undated) 1304, Perlbach 629

(99) Perlbach 467/470 (CG 4109/4115): the name is only given as John, but 'de Rogow' may be supplied.

(100) The style of commander was in any case only used after 1250, but in the provincial seats, such as Wielki Tyniec and Poznań, the first appointments were made later.

Grzymisław has this same commander, John de Rogow as a witness, but in a subordinate position. (101)

The local historian of Skarszewy, E. Waschinski, reports two versions of a local tradition, according to which little or no use was made of the rights and privileges originally granted by Grzymisław until they were reactivated in the 1270s. (102) This is specifically contradicted by the evidence for ownership of properties around Skarszewy recorded in the 1262 act; for Lubieszów, too, the major expansion of the holding undertaken after 1278 followed the earlier ownership of, or at least the maintenance of a claim to, substantial local revenues.

The appearance of resident officials within a new provincial hierarchy from around 1290 is a development of considerable interest. John de Rogow, the first Hospitaller commander in Lubieszów, continued to witness with this title until 1312, when he was described as commander in Lubieszów and Sławno. (103) In 1320, John's successor, Conrad of Dorstadt, was described in an act of March 23 for the Sławno house as "commendator domus Slawe" while in the confirmation of October 9 of the

(101) 5 February 1291 Perlbach 476. It is addressed to: "fratribus de Lubesow hospitalariis Jerosolimitanis...ad petitionem fratris Bertoldi de Saltza et fratris Johannis de Rogow et fratris Thome de Primus". Once again these stout German names are not all they seem. The head of the Rogow family at this date was Count Mroczko of Rogów, a Wielkopolskan noble.

(102) Waschinski-Der Johanniter-komturei Schöneck, 11ff Note 2, summarises the accounts of two much earlier writers, Grunau and Baczeko: the former's narrative, with a Malloryesque insertion, has the Hospitallers settled by Grzymisław to germanise his principality and slaughtered in their fortress of Schöneck by the heathen Pomezanians after six years, later returning under Mściwoj; Baczeko's variant, after pouring scorn on Grunau, has the Hospital replacing the Templars in or around 1180, undergoing massacre and returning in 1272. Thus the amateurs of fashion.

(103) AA pp 231-2 (PUB 2704, see above, p 268 Note 33)

same year he appeared as: "'per ..commendatorem domorum Slawe et Lypsowe".(104)

The transfer of the Gdańsk-Pomeranian seat from Lubieszów to Skarszewy can be dated to 1322/3.(105) There is an earlier reference to John von Bortfelde as commander in Schöneck in an act purportedly from 1305, but, although both Ledebur and Waschinski appear ready to accept this, it is clear that the act in question is a fabrication of much later date.(106)

(104) AA pp 232-3 (PUB 3350 / 3409 see above, p 270 Note 39) In 1312 and 1320 the two commanders of 'Lubieszów and Sławno' were evidently subordinate to the occupant of the new regional seat in Zachan. One might suggest tentatively that Berthold de Saltza, who occupied a position of seniority in the address of the act of 1291 was the holder of a provincial office covering both the Pomeranian principalities. However, the 'magister' in Copan in 1285 was Burchard, although in 1287 he was unnamed. (See above, p 282 Note 63)

(105) Conrad of Dorstat witnessed as commander of Lubieszów only in an act of 1321 selling a rent to Oliwa (18 March 1321, Preuss. Ub II 330 / AA pp 232-5). This act also contains an important listing of the conventual body in Lubieszów, which comprised three priests and seven lay Hospitallers (serving-brothers): the presence of a 'vicecommandator, "Gerwinus, dictus Allec" who could act as deputy suggests that Conrad continued to exercise the regional authority implied by his appearances both before and after this date with a multiple title including Sławno. [A commander, "John" of Sławno, apparently witnessed an act on 25 November 1321 (PUB VI 3547), although it may be noted that the name there is supplied from a copy thus, "Io(hannes)"] In the continuing lawsuit with the bishop of Włocławek Conrad of Dorstadt as the commander in Lubieszów continued to be cited. While this was continuing, on 12 April 1323, we encounter as witnesses in a Pelplin law-suit, "Fratre Conrado de Dorstet, commendatore de Sonek, fratre Gerwino Herink vicecommendatore ibidem." (Preuss. Ub II 402). I would suggest that an appreciation of the situation of jeopardy posed by the outstanding sentence of confiscation (which could, of course, not be enforced, but remained as a threat) influenced the decision to resite the provincial seat in Skarszewy.

(106) AA pp 230-1, after Oelrichs p 38, provides a registration of an unsourced location charter for Henry of Dietrichsdorff in Thomaswalde; cf Waschinski, op cit. p 14. Publication (undated) 1305 is in Preuss. Ub I (2) 843. The similarities in the text and provenance with the Handfest of 2 February 1341 (a 16th century forgery), the attachment of another forged privilege of similar scope and purported date in the Gdańsk copy, and the appearance of John von Bortfelde and John Stapil, who are otherwise both only encountered after 1334 allow no other conclusion than that this act is an artless fabrication.

After 1334 there is no doubt that the Order's seat for Gdańsk-Pomerania was in Skarszewy.⁽¹⁰⁷⁾ In 1334 "frater Johannes de Borgfelde ordinis St. Johannis commendator in Schöneck" issued an instrument of sale for the two mills whose construction had formed part of the development of the Lubieszów property: in this transaction he acted as the senior official of the province rather than on behalf of the house of Skarszewy.⁽¹⁰⁸⁾ This act also provides evidence of the reconstitution of the provincial hierarchy in such a way that the commander's office in Lubieszów represented a subordinate dignity.⁽¹⁰⁹⁾

The sale of 1334 also provides evidence of increasing pressures upon the Lubieszów properties, which, it can hardly be doubted, formed part of a deliberate policy on the part of the Teutonic Knights as the lords of the principality. These pressures

(107) Waschinski's listing of Hospitaller commanders in Skarszewy, starting with the false reference of 1305, may be corrected as follows. John von Bortfelde succeeded Conrad between 1326 and 1334 as the provincial head; Adolf von Schwalenberg, who in 1335 was commander in Nemerow, was commander in Skarszewy: by 1 February 1336, heading the provincial hierarchy thus: "frater Adolphus dictus Swalenberg...commendator in Schoneck...presentibus nostris fratribus fratre Henrico Wend sacerdote vicecommendatore, fratre Iohanne dicto Stapil commendatore in Lopschau." Preuss. Ub III 43. Waschinski loc cit. gives 1340 as the earliest date for Adolf; he further provides dates for the use of the Skarszewy title, as follows: 1350, Henry of Wartenberg (local archive); 1370, Albert of Werberg.

(108) The purported charter of 1324 (PUB VI 3761), in which Conrad of Dorstat held the triple title of commander in Lubieszów, Skarszewy and Sławno, is unreliable. However an act of 9 March 1326 (PUB VII 4156) has "nos Conradus de Dorstat, commendator in Sconeche, Lubezow et Slawe." Conrad's "retirement" may well have been marked by the appearance of individual commanders in Sławno (Zirzko, by 1330) and Skarszewy (John von Bortfelde, by January 1334). Ludolf was commander in Stargard at the same time as Conrad held the provincial office.

(109) January 1334, Preuss. Ub II 821, (AA pp 235-8) "Quod de consilio et consensu fratrum nostrorum...dicti conventus in Schöneck et ex nomine religiosorum virorum fratris Johannis Stapel in Lubeschow et fratris Conradi de Dorstat in Thomaswalde provisorum..." Conrad's title of provisor in Thomaswalde in 1334, may be the concession of an honorary title on retirement. Thomaswalde was the putative site of the location in the forged act of 1305 (Preuss. Ub I (2) 843). It may, however, be the site of a property developed for the Order at the entry of a scion of one of the families of higher rank.

can be described in some detail. The sale of both the Lubieszów mills in 1334 formed part of a series of transactions conducted in that year by the commander in Schöneck⁽¹¹⁰⁾: this act, and a second one from the same year also contains information on the general exchange of which that transaction formed a part. The Hospital received the properties of Parwin, Demlyn, Obansyn and "the lake of Stenczk", a holding which is further described as the 'hereditas' formerly held by the widow of a certain Stanisław.⁽¹¹¹⁾ John von Bortfelde at the same time issued an act containing the Hospital's resignation to the Teutonic Knights of a number of its properties and indicating the effective end of the Order of St. John's status as overlord in Lubieszów.⁽¹¹²⁾ The difficulties of the Hospital's position there have already been described. The Teutonic Knights were clearly willing to profit from these difficulties.

The boundary dispute with the Cistercian abbey of Pelplin was also partially settled in January 1334, when the Hospitallers resigned some of their claims and received financial compensation.⁽¹¹³⁾ A second and final settlement was made in 1349,

(110) In the first, John appeared only as a witness, this being the adjudication of 'Pogutken' to the abbey of Pelplin. (8/9 January 1334, Preuss. Ub II 818. The payment of 200 marks compensation was recorded on 10 January 1335, Preuss. Ub II 870

(111) The two acts are those of the Grand Master Luther, 9 January 1334 (Preuss. Ub II 819), and that of the commander, 11 January 1334 (Preuss. Ub II 820). The transfer of one of the two mills was also recorded in a later act of the Grand Master of the Teutonic Knights, Henry Dusemer, issued in Marienburg on 16 April 1346 (Preuss. Ub IV 18) which also described the boundaries of the Hospitallers' remaining property. On the same day two documents issued in Skarszewy by Stybor of Koselink recorded an agreement on the boundaries of one of these properties, Demlyn (Preuss. Ub IV 19).

(112) January 1334 (Preuss. Ub II 821).

(113) The judgement was given on 8/9 January 1334: payment was made on 10 January 1335 and recorded in an act issued by the Grand Master of the Teutonic Knights, Luther of Brunswick. (Preuss. Ub. II 870). See Note 110

again with the Grand Master of the Teutonic Knights presiding.(114)

The settlement of the quarrel with Pelplin was clearly dictated by the Teutonic Knights, as too was the final settlement of the Hospital's dispute with the bishop of Włocławek, in which the Knights of St. John had proceeded with violence as partisans of the Teutonic Knights' rule. In August 1340, the Hospitallers obtained a final transumpt of their contentious privilege of 1243⁽¹¹⁵⁾: this was either bravado or a preliminary manoeuvre aimed to strengthen their bargaining position in disposing of their claims: for with the example of the previous settlement the outcome can hardly have been in doubt. Under the eventual agreement, the text of which was issued in Chełm in 1340, the Hospitallers made a final resignation.(116)

(114) The Hospitallers had forearmed by obtaining yet another transumpt of the 1291 version of the 1198 privilege. (25 March 1348, Joachim and Hubatsch I No. 239, issued in Lubieszów) and on 6 December 1349 a boundary agreement between the two parties of a conventional kind was issued, with Henning of Wartenberg appearing as 'procurator' and Abbot Eberhard representing the abbey (Preuss. Ub IV 481). The final resolution was marked by the final transumping of one of the earlier privileges detailing the boundaries, which was issued on July 5 1350 in Marienburg [Joachim & Hubatsch I 253, which has escaped inclusion in the continuing publication of Preuss. Ub. although some other transumps of significance are published there] following payment of 150 marks by the abbot the previous day. (Preuss. Ub IV 594, AA pp 245-8).

(115) 17 August 1340 (Preuss. Ub. III 319, Joachim & Hubatsch II 709). This was a transumpt of Bishop Michael of Włocławek's purported act of 1243 to replace an original title eaten by mice, perhaps the most provocative in the Hospitallers' armoury of forgeries.

(116) 29 September 1340 (Preuss. Ub III 324, AA pp 238-42). This agreement was made between the bishop and Adolf of Schwalenberg 'commendator in Schöneke'. The case had been referred to two judges designated by each party. The conditions of earlier conflict find a reflection in the commander's promise to receive no fugitives from the bishop's lands. In conclusion of the dispute, the Grand Master of the Teutonic Knights, Dietrich of Altenburg presided over a settlement which finally recognised the bishop's claims. The Hospitallers were restricted to the tithe from the Lubieszów church.

The grant of Kulm law for the town of Skarszewy in 1341 by Adolf of Schwalenberg is problematic. Although the document itself, which was first published by Waschinski, and the seals attached to it are obvious sixteenth-century forgeries, the editors of Preussisches Urkundenbuch do not consider the surviving text inherently suspicious.⁽¹¹⁷⁾ At any rate it seems clear that the Order of St. John enjoyed the status of proprietor which would have allowed it to issue such instruments, even if the instruments that do in fact survive have been fabricated.

Adolf of Schwalenberg had himself formerly been the commander in Nemerow, while his successors in the office, members of the Wartenberg and Werberg family, were from families who provided the Order's officials of the highest rank.⁽¹¹⁸⁾ There is some indication of specific provision having been made at entry by members of these families, and it seems fairly certain that such benefactions determined their expectation of rank within the Order. In 1348, the provisor of the Lubieszów house, Brother Ludolf of Magdeburg recorded the purchase of a fief in the town and its transfer to the house's endowment by Henning of Wartenberg, who heads the witness-list as "d. in Sconeck"⁽¹¹⁹⁾ In two documents

(117) 2 February 1341 (Preuss. Ub III 354) Previously published in Waschinski, Anhang No. 1 See above p 298 Note 106

(118) Henning of Wartenberg (1350) and Albert of Werberg are named as commanders in Skarszewy (Waschinski, p 14). Other members of the two families at various times held the titles, either of commander or of provisor, in Lubieszów and Thomaswald. See also below Chapter 5 Section 6

(119) 25 March 1348 (Preuss. Ub IV 307). The issue of this act was matched by what seems to have been a regular precaution accompanying all major transactions, - the issue of yet another transcript of the 1291 text of the act of Grzymisław from 1198 (Joachim & Hubatsch I 239). Henning was followed as witness by the conventual body: first Bogdan a lay-brother, then two priests, John and Henry de Gotha, finally two further lay brothers, Jacob and Gottfried de 'Osse' scil. Ost, another recurrent family name in the Order's membership).

recording the agreement with Pelplin in 1349⁽¹²⁰⁾ and 1350⁽¹²¹⁾, Henning is himself described as 'provisor'. At the issue of the second of these acts in 1350, another Wartenberg, Bernard, attended with the title of commander in Lubieszów, accompanied once again by Brother Gottfried 'Ochsen' (scil. Ost).⁽¹²²⁾ The property assigned to the Order by Henning is also recalled in a specific instrument of sale from 1370, at which date it went under the name of Wartenberg; it also appears to have been treated as a separate component during the general alienation of the Hospital's entire property in Gdańsk-Pomerania.⁽¹²³⁾

The existence of similar provision, - possibly with some interchange of key estates between the two families, - by the Werbergs may be inferred from the multiple membership in the latter family, which mirrored the previous experience of the Wartenbergs. In 1370 Albert of Werberg, as the last Hospitalier commander in Skarszewy, witnessed the general sale of the Gdańsk-Pomerania properties, which another Werberg in a higher provincial rank had negotiated.⁽¹²⁴⁾

(120) 6 December 1349 (Preuss. Ub IV 481)

(121) 4 July 1350 (Preuss. Ub IV 594 / AA pp 245/8)

(122) *ibid.* The Wartenberg family, which had an earlier association with the Temple, also provided the endowment for altars in the Hospital's churches in Chojna and Chwarszczany. See below, p 370 Note 176.

(123) Joachim & Hubatsch (unpublished) II 970

(124) 16 November 1370 (unpublished), Joachim & Hubatsch II 969
The Werbergs also had a former association with the Nemerow house.

The series of property exchanges with the Teutonic Knights which began in 1334 and was accompanied by the settlement of the two long-standing disputes with the Bishop of Włocławek and the Abbot of Pelplin brought about a significant alteration in the Hospital's property-holding: a portion of the original endowment, and the prospect for its expansion, was lost. It is hard to resist the impression that the Order's situation in Gdańsk-Pomerania was a discouraging one, and that this resulted from the deliberate policy of the new rulers.

Nonetheless, the settlement of the Pelplin and Włocławek disputes for cash payments could also have been intended by the Hospital to provide a means of raising money on the properties: elsewhere, in Szczecin-Pomerania and in Poland local Hospitaller officials were also raising money through the sale of isolated interests at the start of the fourteenth century. Not too much should be made of these sales as evidence of either a general desperation or a local bankruptcy. To take the example of the Silesian holdings, there at least money was still diverted to new purchases, and the Order's local expenditure on property transactions was probably greater than it had ever been in the past when the responsibility existed to transmit an enforced proportion of revenues, and all surplus to the East.

In 1366, the Master Raymond Berengar issued from Avignon an instruction to the German prior, Conrad of

Brunsborg to identify properties that might be sold to recover the ruinous financial situation of the German Hospital.⁽¹²⁵⁾ This action was undoubtedly prompted by a sense of frustration and rage at the application of the Order's funds by the eastern German prior (the so-called 'Herrenmeister') to gain domestic political advantage, and since this had involved subvention of the Emperor's Italian campaigns, there is no reason to doubt that the sums were indeed astronomical. The instruction to investigate the possibility of sales was itself a means of reasserting the authority of the Master, and restricting the future activity of the Herrenmeister. The commission was entrusted to Henning of Wartenberg, who now held the office of Grand-Prior in Brandenburg and recalled that properties, described as 'redundant' in eastern Frisia had recently been sold.

Ledebur misreads the provisions of the instruction at several points: most seriously in his assertion that the sale of Lagow, Tempelburg and Schöneck was projected. In fact, the Master recalls his own consultation with the preceptors of the province of Saxony, the march, Slavia and Pomerania, "videlicet Templeburg, Schöneck, Lagow, Aka(?)".⁽¹²⁶⁾ This is simply a designation of subordinates within the eastern German province, and there is no reason to believe that the sale of all these houses was ever contemplated.

(125) 25 March 1366, Preuss. Ub VI 439 (AA 248-51). The description of the act by these editors and in Joachim & Hubatsch (II 914) as granting permission for the sale of properties to the Teutonic Knights is not an accurate reflection of its contents and anticipates a decision which there is no reason to suppose had been taken at this stage.

(126) AA loc cit. Preuss. Ub loc cit. make the same error of interpretation. However the language of the act is perfectly clear on this point in indicating the seats of local provincial officials. 'Aka' is probably Zachan.

The eventual decision for the wholesale withdrawal from the principality of Gdańsk-Pomerania was approved at the Order's chapter in Speyer in 1369.⁽¹²⁷⁾ The two surviving acts directly recording parts of the transaction indicate a single outright purchase by the Teutonic Knights.⁽¹²⁸⁾ Since in one of these the sale of the property of Schöneck is also said to have included the Wartenberg benefaction, the terms may be taken to have comprised all the Lubieszów properties.⁽¹²⁹⁾ The total sale price received by Hermann of Werberg, the new Grand-Prior or Herrenmeister was 10 011½ marks.

(127) 25 June 1369 (unpublished), AA p 252 provides information on this document after Delrichs, p 98. An original from the chapter was conveyed to the Teutonic Knights and preserved in their archive (Joachim & Hubatsch II 967 unpublished). There is also a transcript of this act from the following year, 12 June 1370 (Joachim & Hubatsch, unpublished II 964) Unfortunately no text is available, but according to Delrichs's registration, a third Werberg, John participated in this decision.

(128) 16 November 1370 'In Wartenberg'. AA pp 252-3 (Joachim & Hubatsch II 969). Hermann of Werberg, "preceptor generalis provinciarum Saxonie, Marchie, Slaviae et Pomeranie", accompanied by Albert of Werberg "olim commendator in Schönecke" and John de Gaude, procurator in Utrecht, acknowledge payment for the goods of the Hospital "in Schönecke et in Wartenberg". Wartenberg must be in the region of Lubieszów and refer to the residue of the Lubieszów holding.

(129) (undated) 1370 (unpublished) (Joachim & Hubatsch II 970).

CHAPTER 5 HOSPITAL OFFICES AND OFFICIALS

(1) *The Recipients of Benefaction.*

The Order of St. John of Jerusalem was a highly centralised organisation under the absolute authority of the Order's headquarters in the East. Those of its European titles which came into existence before the middle of the twelfth century subsequently had the protection of established usage, but for the administration of the Order's remaining European possessions the central authority reserved the right to make appointments and to alter arrangements as it saw fit.⁽¹⁾

The earliest donations to the Hospital in Poland and Pomerania were made to the Order as a whole, without any specific indication of who the receiving officials were, a practice which was entirely appropriate given the intention of directly applying donations to the work of the Order in the East that finds clear expression in the language of the earliest documents drawn up by the Hospitallers themselves.⁽²⁾ Documents of slightly later date, issued when some local representation was in place since churches

(1) There is no satisfactory analysis of the Order's use of European titles. See above p 20 Note 3

(2) "(to) the Hospital of Saint John the Baptist in Jerusalem, for the victualling of all the poor in Christ who gather there" (CG 213); "Mieszko, moved by piety and charity, to honour God and the Holy Sepulchre and St. John the Baptist, and to make himself, with his wife and sons, a partner and participant of all the alms and benefits which are given to those poor members of Christ, pilgrims and the sick, by the brothers of the Jerusalem Hospital.." (CG 903 / 944), the two versions of Grzymisław's privilege (CG 1042) are very similar to this, which constitutes an additional indication that a genuine original of this much-forged privilege once existed; cf. "for the sake of the holy poor of Christ...to the Jerusalem Hospital..." (SUB I 56 / 57)

had been accepted, continued nonetheless to refer most often to the corporate identity of the Order.⁽³⁾

Palaeographic opinion, already quoted, associates the authorship or the style of writing of most early Polish and Pomeranian acts with other documents issued in the Bohemian priorate.⁽⁴⁾ Original donations in Poznań and the two Pomeranian principalities may have been made to officials of the Moravian priory since, when the original documents were presented at Rome in 1237, the resulting papal bulls were addressed to the Moravian prior.⁽⁵⁾

Earlier papal bulls, however, suggest the existence of officials with local titles and responsibility, but with the designation of 'magister' rather than that of Prior: they were based on information supplied either by the Hospital's own officials or by other representatives, who carried the original acts with them to the papal chancery for confirmation.⁽⁶⁾ From 1193 we have the unspecific: "dilectis filiis priori et fratribus Hyerosolymitani Hospitalis"⁽⁷⁾ and in 1201: "magistro et fratribus Iherosolymitanensis Hospitalis in Polonia constitutis"⁽⁸⁾

(3) Between 1201 and 1203 in Silesian acts one finds: "fratribus hospitalis sancti Iohannis", "hospitalariis beati Iohannis de Iherusalem", "sancti Iohannis hospitali Ierosolimitano." (SUB I 86-9)

(4) This connection of authorship has been conclusively proved for three documents CDP III 6, SUB I 57, and CG 1130 / SUB I 86. The earliest Polish Hospitaller act, the undated Zagość donation, is of a unique character.

(5) CG 2191 / 2192 / 2193 / 2194 obviously resulted from the activity of a single representative at Rome acting on behalf of the the Moravian prior. An earlier journey of a slightly different character occurred in 1193 when CG 944 was issued for the Poznań donation: on that occasion business was also conducted for the house of Austin canons of Our Lady in Wrocław and the Premonstratensian canonesses in Strzelno (Repertorium Nos. 130 and 131).

(6) CG Nos. 944 / 1149 / 1180 / 1225 / 2191-4 all reproduce details of earlier original acts.

(7) CG 944

(8) CG 1149

Although it is hardly possible on the strength of these two references alone to establish their significance, further information is provided by the first two Silesian bulls of Innocent III. The bull of December 15 1203, which summarised tithe-grants dependent on the Tyniec house and was based on the act of Bishop Cyprian from the same year, was addressed to: "magistro et fratribus hospitalis Ierosolimitani de Tinchia"⁽⁹⁾: while the bull of November 5 1205, giving Innocent III's confirmation of the Strzegom donations, was addressed: "dilectis filiis Roberto magistro et fratribus domus hospitalis Ierosolimitani in Zlesia constitutis"⁽¹⁰⁾ These two forms of address are likely to have applied to a single individual, and almost certainly to the same office of a 'magister' in Silesia with his seat in Wielki Tyniec: indeed this is specifically confirmed by the act of Bishop Laurence dated 1212, - although probably written between 1219 and 1228, - which mentions, "(tithe)..assigned to the vill of Tinzia, for the prior or whoever shall be appointed by the Order's authorities (in Tinziam vilam priori vel cuicumque maior prepositus comiserit) to collect..."⁽¹¹⁾

Accordingly, perhaps as early as 1193, but certainly on three occasions between 1201 and 1205, and again in 1212 and 1230⁽¹²⁾, we encounter Hospitaller officials exercising a specific regional responsibility in Poland, and, it would appear, as members of a hierarchy within a Bohemian province.

(9) CG 1180 (10) CG 1225 (11) SUB I 134

(12) 21 December 1230, CG 1971. Bishop Robert of Olomouc asked the archbishop of Gniezno to pass on a papal instruction to an unnamed 'preceptor' of the Order in Poland. It is possible that neither the bishop nor the Pope, from whom the instruction originated, knew the identity of the preceptor.

The early activity of officials of the Hospital in Poland occurred originally against the background of the formulation of new projects of foundation within the Bohemian Priorate: it was later stimulated by the preaching of the Third Crusade and the need to secure a written record of recent donations to the Order. This constituted one phase of recording activity, which would appear to have concluded in c. 1205.⁽¹³⁾

In the succeeding period, the Hospital in Poznań made use of the help of the bishop and chapter to record the concessions of immunity made by Władysław Laskonogi in 1225 and by Władysław Odonic in 1238.⁽¹⁴⁾ In 1232, a confirmation of 'immunity' was obtained from Conrad of Mazovia by the dean of Poznań and a member of the Dominican Order.⁽¹⁵⁾ Although the Gniezno chapter also acted on behalf of the Hospital in 1237⁽¹⁶⁾, the relationship with the Poznań church was particularly close, cemented by

(13) Before 1205 the writing by Hospitaller officials of 5 documents in Silesia, 4 in the rest of Poland (in addition to the first Zagość act) and 1 in Pomerania can be shown. Between 1205 and 1239 (excluding the documents in Notes 14 and 15), 3 Pomeranian and 2 Silesian acts are recorded; these are: CG 1116 (1200?, more likely c. 1223) / CG 1762 (1223) / CG 1936 (1229) [Szczecin-Pomerania]; SUB I 134, (1212, but more likely written between 1219 and 1228) / SUB I 249 (1224, a rare (for that date) recording of a court judgement procured, - might it be suggested also written, - by a Hospitaller) [Silesia]

(14) In the case of Bishop Paul of Poznań's act of 30 November 1218 (KDwp 104) and the Wielkopolskan acts of 1225 (CG 1802) and 1238 (CG 2180) Gąsiorowski-Najstarsze dokumenty makes a presumption of Hospitaller authorship (See above 124ff). Even if this is correct, the presence of a Hospitaller 'magister' or prior at their issue is improbable. (15) KDwp 140

16) 23 May 1237 KDwp 202 (CG 2162) Odonic issued this act in Gniezno, and the witness-list is headed by Gniezno canons. It is certain, however, that this act was written by the chancellor Stephan. The principal lay-witness was Conrad castellan of Poznań.

the Order's ownership of revenues from a cathedral prebend.⁽¹⁷⁾

The Order of St. John was not only the original model for all military and crusading orders, but also the first religious order where lay members could play a prominent, indeed a dominant role. There was also scope for lay involvement short of actual membership and its corresponding vow of obedience, which was offered by the practice of accepting lay associates as 'confratres'. For Poland, there is only one early reference to a 'confrater', Prince Mieszko of Opole.⁽¹⁸⁾ However it seems likely, since the sponsoring families in Silesia provided actual members, that a larger number of relatives were bound by the lesser terms of association of the 'confrater'.⁽¹⁹⁾ Bolesław the Chaste's privilege of 1257 reveals the particular activity of one layman, the 'dapifer' of Sandomierz Count Warsó, on the Order's behalf.⁽²⁰⁾

Business also continued to be conducted by peripatetic officials: the two Hospitallers Albert and Burchard who procured a judgement for the Niemojewo property in 1250 were not necessarily resident officials.⁽²¹⁾ From the middle of the thirteenth century however, conventual bodies were associated with the Order's more important churches, and formerly loose arrangements gave way to a local hierarchy and firmer definition of administrative competence.

(17) A formal agreement of confraternity existed with the Wrocław chapter (SUB 57).

(18) CG 2253 (1240)

(19) Wilcec, who conducted business for the Wielki Tyniec house in 1234-40 was a member of the comital family, where this name, which is unusual, recurs: a later count Francis also used it.

(20) CDP III 35 Although the privilege was granted at the request of the Hospitaller Theoderic, 'rector ecclesie de Zagost ', the phrase 'procurator huius negotii comes Warsó' suggests Theoderic was not present: and in fact his was a national title. Kazimierz's much earlier privilege (CDP III, 6) was obtained through the offices of Bishop Lupus of Plock. The 'rector' in Bishop Prandota's act of 1248 (KDMp II 30) is not named.

(21) CG 2530

In 1238 and 1239 officials with the title of 'magister' were associated with two houses, Kosiów and Grobniki.⁽²²⁾ These appointments of 'magistri' probably respected existing political divisions, with Bogusa exercising authority within the Opava (Troppau) region of Moravia and John within Silesia. In 1234 a Pomeranian 'magister', Chalo, probably a Hospitaller, acted as an intermediary in Templar business.⁽²³⁾ In 1252 the 'magister' in Poznań, Theoderic, is recorded as acting in protection of Hospital interests in Pomerania.⁽²⁴⁾ Theoderic's title probably also involved responsibility for Zagość⁽²⁵⁾, but unfortunately these references are insufficient to prove the scope of the offices held by Chalo (? 1234), John (1239) and Theoderic (1252, 1257) or whether in fact they succeeded each other in the same function.⁽²⁶⁾

The appointment of a prior for Poland was made some time before 1246 when this official was addressed in a papal bull for the Strzegom church.⁽²⁷⁾ Two references from 1244 may suggest

(22) "magistro Iohanne fratre ipsorum et aliis fratribus qui ei substituentur, ipsam (i.e. Kosiów) regentem" (CG 2195) "ospitali sancti Iohannis et domui de Grobnie, ipsam domum magistro Bogusa in Grobnie regente et aliam domum in Macov fratre Potrone regente...". CG 2214)

(23) "Magister Chalo in Staregarde" PUB 308. Chalo's obedience is not specified. Although it is unthinkable that he was a Templar, the possibility of a 'magister' of a hospital order, or of Calatrava should be retained.

(24) CG 2592

(25) CDP III 35

(26) "Johannes, vicemagister" in CG 2216 (SUB 170) is probably a fabrication, see above, p 177 Notes 50/1

(27) CG 2426

the absence of any higher official, 'magister' or prior in that year.⁽²⁸⁾ The issue of Count Adlard's document before this date is equally indicative of the absence of a superior.⁽²⁹⁾

The settlement of the Hospital's tithe-quarrel with Bishop Thomas I of Wrocław in Ujazd in 1255 produced two invaluable documents. These state that the quarrel originated in a claim promoted by the Polish prior Gedolfus, who is described in *Schlesische Regesten* as the predecessor of the issuer of the document, the Prior Henry of Fürstenberg.⁽³⁰⁾ However, it can be clearly seen from Prior Henry's document that Gedolfus was still in office, since he witnesses there as Prior of Poland.⁽³¹⁾ Henry, described as "per totam alemanniam, bohemiam, poloniam et moraviam magnus preceptor constitutus" was in fact the second holder of another, composite visiting title.⁽³²⁾

(28) 30 May 1244, issued in Chroberz, Małopolska (CG 2325): "fratres Hospitalis Beati Johannis Baptistae de Zagost veniunt ad nos rogantes"; (undated) 1244 (CG 2311), issued at the court of Bolesław the Bald in Silesia, "fratres...videlicet de Tinchia".

(29) CG 885 (SUB II 249 provides the more accurate dating of 1234-40). The Hospitaller Wilcec, as representative of the house in Wielki Tyniec sealed the document with the seal of the Bohemian prior, Hugo. (SUB *ibid.*)

SR 429a comments: "When it says in the charter, that it was sealed with the seal of the Chapter, this must be wrong, since there was no seal of the Chapter for the Hospitallers, at least in the German Grand-Priorate, in the 13th and 14th century." The belief that a natural subordination would have placed the eastern provinces of the Hospitallers' organisation under its resident German officials has led to serious misrepresentation of the history of both the German and Bohemian provinces of the Hospital. What is apparently puzzling here could quite easily have been understood by the simple expedient of adequate description.

(30) CG 2713 Fra. Gedolfus is Germanised in SR 890 to Franz Gedolfus!

(31) *ibid.* He witnesses behind John, Prior of Bohemia. See below, p 320 Note 64.

(32) Riessler's summary (Fürstenberg. Ubuch. II 385 and IV 483) of the researches of Dr. Herquet, the Wrocław archivist (originally published in the *Wochenblatt der Johanniter-Ordens Balley Brandenburg*, a series which has eluded me) on this point suggests, without conclusively demonstrating, that the 'magnus preceptor' Henry of Fürstenberg is the same as a high-ranking German Hospitaller, identified as Henry or Henry F., who makes two appearances in *Outremer*. Nonetheless this identification is at the very least extremely plausible. For further appointees to this visiting title, see below, pp 319-20 Note 63

Gedolfus, Prior of Poland in 1255 and before, is almost certainly the same individual as the unnamed Prior of Poland addressed in the papal bull of 1246.⁽³³⁾ Two other Hospital-
lers later issued acts with this title: Brother Maurice in 1261⁽³⁴⁾ and 'Crafto' de Bogsbergk in 1269.⁽³⁵⁾ The latter used the combined style of Prior of Poland and Moravia, and it seems a fair assumption that the appointment in all three cases conferred a subordinate title of the Bohemian priory. Maurice's tenure probably lasted until 1268 when he was described as "holding the magistracy of the (Poznań) house"⁽³⁶⁾, a form of words which does not exclude his still holding the title of prior.

If the offices of prior and 'magister' were distinct, how did they stand in relation to each other? There are some indications that the title of 'magister' could lapse. Theoderic was described as 'magister' in 1252 but simply as 'brother' in 1257.⁽³⁷⁾ Thilmann of Łosiów, the senior Silesian commander of the 1280s, was occasionally called 'magister' and on one occasion 'preceptor'⁽³⁸⁾ but also appeared as 'brother' or 'commander'. Possibly the use of the title of 'magister' was inhibited by the (irregular) appointments of priors, and those resident officials who held the title could also revert to a simpler style.

(33) CG 2426. This is also supported by the indication in CG 2713 (1255) that Gedolfus had initiated the contentious tithe-claim some years previously. The appointment can be more closely dated to 1244-6 if the evidence of the two acts of 1244 is admitted. Gedolfus also witnessed on one occasion in Cologne as Polish prior.

(34) CG 2989

(35) SUB IV 102 states that this is 'Crafto's only appearance. The act is only preserved in a later copy. It is probable, but not certain, that the name should be Henry. Henry of Bocksberg was the Bohemian prior in 1273 according to Feyfar pp 78-9

(36) CG 3306 (37) CG 2592 (1252), and CDP III 35 (1257)

(38) For Thilmann, see below, pp 316-7

The act of Prior Maurice from 1261 was witnessed by a number of Silesian commanders: "fratre Theoderico commendatore Pilavie, fratre Henrico commendatore de Strigonia,... de Losnov, fratre Johanne de Tincia et aliis quam plurimis."⁽³⁹⁾ Conventual life in Piława of a kind to justify its description as a house of the Order is not attested at any point⁽⁴⁰⁾; the occupier of this idiosyncratic position of commander in Piława is probably the same Theoderic who exercised the magistral function in the previous decade: his holding a courtesy title in 1261 might account for his position at the head of the list.

The second commander in this listing, Henry of Strzegom, assumed the role of senior commander in Silesia in the succeeding period; in a similar listing from 1269, Henry occupied the first place: "Br. Heinr(ich) de Slaphusen, Br. Joh(ann) de Stuffurde".⁽⁴¹⁾ These surnames also suggest that the first generation of commanders came to Silesia in the service of the Order. The commanders named in 1261 apparently witnessed under the simple style of 'brother' in 1269. This holds implications for the assessment of a group of Hospitaller witnesses from 1251, namely: "fratre Conrado de Alcey, commendatore curie Strigoniensis; fratre Henrico de Ostrov; fratre Conrado de Erbipolis (Würzburg);

(39) CG 2989

(40) See above, p 233

(41) SUB IV 102. While it is very interesting to have a record of the family names of this generation (perhaps the second) of Silesian 'commanders', the reservation should be made that this act is only known from a later copy, and its information on the name of the Prior "Crafft" may be faulty.

fratre Myloceyo Polono .etc." (42) It is unlikely, that this business was conducted for the benefit of the Strzegom house: accordingly Conrad's standing should rather be understood as that of provincial head, and that of the three brothers as representatives of particular houses: once again their ascriptions not surnames) suggest officials who had been posted to Silesia. (43)

Henry, the commander in Strzegom in the acts of 1261 was subsequently named in 1269, 1272, 1277 and 1280 as a witness), before the statement that he had deceased some time previously in 1299. (44) There is, accordingly, a record of long residence and a considerable local standing in his case. From 1281 the commander in Łosiów, Thilmann, would appear to have inherited his function, and his role and position of seniority can be more clearly established. In one of two privileges solicited from Bernard of Lwówek by the visiting Grand-Prior, Hermann of Brunshorn, "frater Tylmannus" witnessed behind the two German Hospitallers, the Prior of Heimbach and Conrad Thuringus. (45) After the departure of these dignitaries, although the Strzegom house appears to have assumed responsibility for the properties in

(42) Here the earlier registration in SR 778 : "sämtl. B. v. Striegau", can clearly be seen to be misleading by comparison with the full text published in CG 2578. The brothers may have formed the first provincial hierarchy; it is less certain that they used the style of 'commander', which began to be used in the smaller regional hierarchies from about 1250. The historian and archivist of Kłodzko, Kogler (quoted in A. Bach-Glatz p 18) stated that the first 'commander' there appeared in c. 1230, but as usual in these cases, no source is given.

(43) That of Würzburg surely alludes to the Hospitaller house of that name. While some might believe it entirely unremarkable for the Polish Hospitaller Miłosław to bear the additional name of 'Polonus' in Poland, it is surely more plausible for him to have acquired this description through service of the Hospital outside his home country.

(44) CG 2989 (1261) / SUB IV 102 (1269) / CG 3439 (1272) / CG 3639 (1277) / AMR 15 (1299)

(45) CG 3744/5

Lwówek and Ciepłowoda, Thilmann regularly appeared as the head of the Order in Silesia. In 1282, Bishop Thomas II confirmed the grant of the Lwówek church: "religiosis ac honestis viris preceptori et fratribus domus hospitalis sancti Johannis Iherosolimitani".⁽⁴⁶⁾ On January 8 of the same year the holder of that title was Thilmann.⁽⁴⁷⁾ Two other pieces of business were evidently conducted by Thilmann by virtue of his senior position. In 1285, he received the donation of the church in Alt-Zülz in the Opole region.⁽⁴⁸⁾ In 1287, in business touching the property of the house in Wielki Tyniec, Thilmann witnessed ahead of John the commander of Wielki Tyniec.⁽⁴⁹⁾

The junior standing of commanders in Wielki Tyniec when they do finally appear can be explained by the fact that the control of the house pertained to the senior official, whether this was the prior, a 'magister', or the senior commander.⁽⁵⁰⁾ A similar situation existed in Szczecin-Pomerania, where the house and title of Zachan were retained within the office of the provincial superior⁽⁵¹⁾: and also in respect of the Zagość and Poznań houses, which were the single houses representing the Order in their respective principalities. In 1252 the rule of

(46) AMR 349

(47) "fratre Thilmano preceptore domus de Lossow ordinis S. Johannis Jerosolimitani Wrat, dyocesis et fratre Johanne socio suo..." Ub. Bistum Breslau No. 66 (8 January 1282). John, Thilmann's associate was the commander of Wielki Tyniec, see Note 55

(48) "interveniente nostro speciali amico fratre Thylemano commendatore de Lossove domus Hospitalis.." CG 3897

(49) AMR 598

(50) The Prior's act of 1261, although bearing on the Makowo property, was issued in Wielki Tyniec. (CG 2989). Thilmann took precedence over John, commander of Wielki Tyniec, at the issue of Count Francis's act in 1287 (AMR 598)

(51) See above, p 285 Note 69 / 71

Poznań, and in 1257 that of Zagość was in the hands of Theoderic, and in 1268 the 'magistratum' of Poznań pertained to the Polish prior Maurice.⁽⁵²⁾ The first commander in Poznań only appears in 1309.⁽⁵³⁾ No commander is recorded at any date in Zagość.⁽⁵⁴⁾

In Wielki Tyniec, Wilcec in 1234-40, and John in 1261 and 1269 were local representatives of the house in Wielki Tyniec, and can be regarded as 'commanders' without the title. The first designation of a commander in Wielki Tyniec was recorded in 1287.⁽⁵⁵⁾ Thereafter it appears to have become the practice to appoint to the office either subordinates in the provincial hierarchy⁽⁵⁶⁾ or, at a later date, considerable local figures with ambitions to progress in the Order's hierarchy.⁽⁵⁷⁾

From 1290 the local hierarchies within the provinces of Silesia and Pomerania assumed particular importance, since through their domination and control a succession of ambitious associates of the Order aspired to fill the office of Grand-Prior and to give that dignity a new weight in local conditions. These developments will now be examined in detail.

(52) CG 3306 (1268)

(53) CG 4834 (1309)

(54) See above, p 311 Note 20

(55) John was called "comendatore Tynciensi" in 1287. (AMR 598)

(56) John's successor, Peregrine's activity is known from a single reference (19 December 1297, AMR 601 / CG 4396). SR 2482 does not give his name and he is otherwise unknown.

(57) The three high-ranking commander's titles in the Silesian province in the fourteenth century were those of Wielki Tyniec, Wrocław and Oleśnica.

(5) The Grand-Priory of Bohemia

That the Bohemian priorate did not have a relationship of formal subordination to the separate German office would appear to be sufficiently established.⁽⁵⁸⁾ The Bohemian title significantly predated the first appearance of a German prior in 1187⁽⁵⁹⁾: several instances of the inclusion within a Bohemian province of Moravia, Poland and Pomerania have already been given.⁽⁶⁰⁾ Evidence cited by Pflugk-Harttung for the subjection of the Polish priory to that of Germany is not convincing⁽⁶¹⁾: the source of his error is a confusion of the specifically German prioral and magistral titles⁽⁶²⁾ with those which contained the visiting commissions of a 'magnus preceptor'.⁽⁶³⁾

(58) "Die älteste Sonderstellung (under-office) zeigt Böhmen." is how Pflugk-Harttung-Die Anfänge, pp 11-15 begins his discussion of the Hospital's eastern provinces, which assumes throughout a natural subordination.

(59) The first evidence for the Hospital's larger Bohemian province comes when the Prior, Bernard, was addressed in a bull of Lucius III from 1182: "...fratri Bernario praeceptori et aliis fratribus in hospitalis Ierosolimitani in Boemia, Polonia et Pomerania constitutis". CG 434.

(60) Pflugk-Harttung, loc cit. dismisses the titulature of CG 434 as an aberration. However he does not consider the several references given already in this section confirming the continuation of this relationship.

(61) Pflugk-Harttung, op cit, p 13. The attendance of Gedolfus prior of Poland on two occasions in 1252 in Cologne (CG 722 / 730) is cited in support of the subordination of Poland to the German Grand-Priorate. It is the sole evidence offered in support and relies on an interpretation which can be seen to be false, once the indications to the contrary are considered.

(62) Eventually there were two German provinces. The western seat was in Heimbach ("frater Hinricus de Heimbach.. magister in Alemannia omnium hospitalariorum S.Iohannis Baptistae in Ierusalem. 8 May 1207, Fürstenberg. Ubuch I 345, quoted in Pflugk-Harttung, op cit. p 7. On further occasions before 1249 there are indications of a German 'magister' in Heimbach. See also op cit. 14ff for the thirteenth-century 'magistri' in the eastern province.

(63) The regional visiting title of "magnus preceptor" was first held by Clemens in 1249, (rather than 1252 as Feyfar, op cit 73ff has it), but Pflugk-Harttung's own description of the context of the act (loc cit.) suggests the context of the intervention of a superior official in the German province's affairs. In 1281, as we have seen, the Prior of Heimbach (i.e. of western Germany) witnessed behind the "magnus preceptor per Alemanniam et Poloniam", Hermann of Brunshorn.

A similar error has led Feyfar to incorporate these officials into his list of Bohemian Priors.⁽⁶⁴⁾

The progress of a series of local power-struggles in the eastern German province of the Hospital between 1290 and 1330 has been reconstructed by Pflugk-Harttung.⁽⁶⁵⁾ The parallel process which led to the establishment of the office of the Grand-Prior in Bohemia has, however, been ignored in his analysis. Its first resonance in Polish conditions is recorded in 1297 when Ulrich 'Schwabe', the commander of the house in Łosiów in succession to Thilmann, was described as: "fratri ulrico sueuo commendatori de Lossov gerenti uices summum magistrum domorum hospitalis Jerosolimitani per poloniam".⁽⁶⁶⁾ In the following

(64) After Clemens's occupancy the visiting, or supra-national title was held by Henry of Fürstenberg (after 1255), Hermann of Brunshorn (after 1278), Godfrey of Klingenfels (after 1290), Henry of Kindhuze (after 1298).

Although Feyfar's work is structured according to putative periods of rule of the Bohemian priors, the two offices of the local and visiting prior have been hopelessly confused there. I would offer (tentatively) the following revision of the list of Bohemian priors: Bernard (1183), Martin (1186), Meinhard (?) (1216), Hugo (1234), Mladota (1238-9), Peter (1248), John (1255 (CG 2713) - ignored in Feyfar's listing), Henry of Bocksberg (1273) (cf. "Crafto" of Bocksberg, who was Prior of Poland and Moravia in 1269), Hermann of Hohenlohe (1284).

Berthold of Henneberg was the first to convert the visiting title to a German provincial office, and he also aimed at control of the Bohemian province. Pflugk-Harttung-Die Innere Verhältnisse, p 17 returned to this episode in Berthold's career: it is clear that he was using the Bohemian title as early as 1313; Pope John XXII's intervention of 21 July 1317, in which the opposition of the Prague convent is indicated, followed the General Chapter's decision of that year to allow the Pope to nominate to the prioral title within the Order. Berthold died in 1330. Since Michael of Tyniec first used the prioral title in 1325, Pflugk-Harttung suggests that he was a counter-candidate; however, his own investigations into this point, were apparently never concluded. The details in this section address this point among others.

(65) Pflugk-Harttung, op cit, 18ff considers the use of 'vices gerens' titles from 1313 onwards in the eastern German province.

(66) AMR 198 (CG 4366) Pflugk-Harttung-Die Anfänge 76ff suggests a Saxon background for Ulrich (as for the Bortfelde family), but completely ignores this Silesian connection; the designation "Sueus" was used as a surname in Silesia. Conrad 'Suevus' was a high-ranking ducal official in the previous generation.

year, 1298, "Ulrich Schwabe", now styled the commander of an East German house, Gartow, purchased the Warburg interest in the house of Nemerow⁽⁶⁷⁾ and his energies were thereafter applied to the competition for office in the eastern German Priorate, which included Saxony, the March and the two Pomeranias.⁽⁶⁸⁾

From 1290, holders of the title of 'magnus preceptor', maintained a closer supervision of Bohemian, Silesian and Polish affairs.⁽⁶⁹⁾ Helperich of Rüdigheim, who held the title after 1301 may have allowed the Bohemian prior's title to lapse, and the later details of his own career within the Order's hierarchy present some difficulties.⁽⁷⁰⁾ Berthold of Henneberg, who held some kind of higher office for Poland in 1309, conducted business for the Austrian house of Mailberg in 1313, by 1316 included Germany in his title, and in 1317 received papal support in his contention that his office also covered the Bohemian province.⁽⁷¹⁾

(67) 15 May 1298, PUB 1846.

(68) See below Note 86

(69) Godfrey of Klingenfels (from 1290, Feyfar, op cit. 83ff) used the title for Germany and Bohemia, while Hermann of Hohenlohe apparently continued as Bohemian head until 1298. Henry of Kindhirze, issuing an act dated 15 June 1299 in Prague concerning the Polish house of Niemcewicz styled himself: "magnus preceptor .. per Bohemiam, Poloniam, Moraviam et Austriam et etiam Stiriam Carniolam". (DKM p 131 No 19, this act is not considered by Pflugk-Harttung)

(70) Helperich, according to Feyfar op cit. pp 86-7 first encountered in his office in 1301, on 22 February 1309 in an act for the Strzegom house used the German and Bohemian title. (CG 4848 / SR 3038, from Schwandner; CG IV, published in 1906 was not accessible to Pflugk-Harttung.) In 1312, however, (PUB 2704) we find: "Frater Helpericus de Rodinghen sacre domus hospitalis per Alemaniam nec non frater commendator in Sucham (i.e. Zachen)", and in 1313 "frater Helpericus de Rudingheim humilis prior sacre domus hospitalis S. Iohannis Ierosolymitani per Alemaniam." (Riedel VI 402, quoted in Pflugk-Harttung, Die Anfänge p 9)

(71) "fratre Bertholdo dicto de Henborg, regente vices summi magistri per provinciam Polonie" in an act issued by the 'commendator' of the house in Poznań. (Undated) 1309, KDwp II 929 (CG 4834) (Poznań). The terms of the 'secession' of the Bohemian priorate mooted (misleadingly) in Pflugk-Harttung's could probably have been more adequately explored through elucidation of the division of offices between Berthold and Helperich.

The Bohemian rival for Berthold's office who was eventually successful, - and may also have been the earlier candidate produced to challenge him, - was the senior commander in Silesia, Michael of Tyniec. The succession in the Silesian province after Thilmann (which Ulrich Schwabe may have briefly held) can be reconstructed from changes in ownership of the Order's fiefs in Wielki Tyniec, which in 1309 were purchased by Sambor of Schildberg from the Hugewitz family⁽⁷²⁾; and in 1320 by Michael of Tyniec from Sambor's heirs for 600 marks.⁽⁷³⁾

Although Michael is first mentioned as commander in the Wielki Tyniec house as early as 1312, this title had formerly conferred only a junior standing in the provincial hierarchy.⁽⁷⁴⁾ The confirmation that he was the candidate in the challenge against which the papal instruction of 1317 was directed is provided by a reference to him, in an act for the house of Łosiów from that year, as: "superioris mei fratris Michaelis comendatoris in Tyncia uice magistri gerentis per Boemiam et (Poloniam)".⁽⁷⁵⁾ However, in a series of transactions under which he recovered the property of the house in Wielki Tyniec and extended the terms of its lordship in 1319-23, Michael was described as commander.⁽⁷⁶⁾ Thus, crucially, the point can be made, that the papal commission of 1317 was evidently respected: if Michael is to be described as a counter-candidate, this can only be for a short interval in

(72) 20 July 1309, (unpublished) AMR 605 (SR 3070)

(73) 19 June 1320, (unpublished) AMR 609 (SR 4048); 5 June 1320 (unpublished), AMR 610 (SR 4044)

(74) 20 March 1312 (AMR 606)

(75) 5 April, 1317 (unpublished) AMR 200 (SR 3677)

(76) 21 January 1319 (unpublished) AMR 608 (SR 3882); 5 June 1320 (AMR 610); 24 January 1320 (unpublished) AMR 611 (SR 4017); 6 February 1321 (unpublished) AMR 612 (SR 4096); 5 November 1323 (unpublished) AMR 614 (SR 4300)

1317; whatever arrangements permitted his assumption of the title of Grand-Prior in 1325, it may be inferred, were acceptable both to the Order's central authorities and to the Pope. Nor should this process of devolution really have struck Pflugk-Harttung as in any way mysterious, since he has described in considerable detail an analagous development in the eastern German province!⁽⁷⁷⁾

In 1329 Michael transacted local business for the Wielki Tyniec house as Grand-Prior, suggesting that he retained it following his elevation.⁽⁷⁸⁾ Michael's successor may also have had Silesian origins: his name is the same as that of the fourth son of Sambor of Schildberg in the act of sale from 1320.⁽⁷⁹⁾ The third family involved in these transactions also produced a head of the Silesian province in Knecht of Hugewitz.⁽⁸⁰⁾ The succession to Gallus, however, passed from Silesian candidates to a member of the Wartenberg family, who cultivated their association with the Hospital in Pomerania.⁽⁸¹⁾ John of Wartenberg was succeeded as Grand-Prior in 1373 by the Prince of Tesin, whose advance in the Order's hierarchy was marked by his tenure of the office of commander of Oleśnica.⁽⁸²⁾

(77) See below, p 325

(78) 28 October, 1329 (unpublished) AMR 615 (SR 4879). This may also help to strengthen the identification of Michael as a member of the comital family, cf Feyfar, op cit. pp 90-1

(79) 19 June 1320 (AMR 609) The regional ascription could refer to a local association of the family with the property in Lwówek acquired in 1281.

(80) His entry to high rank in the Order was accompanied by investment in the Piława estates, See above.

(81) See above, pp 301-3

(82) Prince Ziemowit as commander in Oleśnica and Knecht of Hugewitz as commander of Tyniec issued a joint act for the Oleśnica house on 8 March 1363, (unpublished) AMR 790, and on 30 September 1364, (unpublished) AMR 1716 a joint act with John Oczków the commander in Wrocław, again on business concerning the Oleśnica house. These two acts would suggest a junior status within the provincial hierarchy at that date. His period of office from 1373 (see Feyfar 100ff) falls outside the scope of this study.

6) Pomeranian Officials and the Herrenmeistertum

The first German officials, who were more usually described as 'magistri', would appear originally to have been based in the Rhineland.⁽⁸³⁾ However, from 1251 when three east German commanders were named⁽⁸⁴⁾, the eastern German province took shape: its title was invested in the representative of the Order in the senior Werben house.⁽⁸⁵⁾

The inclusion of the Pomeranian properties in this province of the German priorate, replacing their former provincial obedience, can be placed as early as 1262.⁽⁸⁶⁾ The law-suit of 1269-70 was the work of the vice-magister in Werben.⁽⁸⁷⁾ Helperich of Rüdigheim and Gebhard von Bortfelde, although claiming

(83) Pflugk-Harttung-Die Anfänge, pp 14-16 offers a selection of German titles dating from after 1250, which I would interpret as creating two provincial offices, with that in eastern Germany apparently more usually conveyed by a designation as deputy or 'vices gerens'. The head of both German provincial hierarchies could also be described as 'magister'. Before 1250 the style of 'magister' was also used by the German prior.

(84) Riedel VI, 15, quoted in Pflugk-Harttung, op cit. p 27, where a style of commander in Werben for 1244 is also given: "frater Udo, commendator in Werben hospitalis Theutonice domus S. Iohannis" (from Riedel VI, 14) which is very different from any title subsequently used. There is very strong circumstantial evidence for a reorganisation of local offices following the appointment of the first 'magnus preceptor' in the supranational office Clemens in 1249, which I would associate with the creation of those local hierarchies of 'commanders' which are first perceptible (sometimes without the use of this specific title) from this date. The itineraries of the visiting officials and the appointments of resident officials are both subjects which would repay further investigation.

(85) In 1217, 1228 and 1229, 'Magister Heinrich von Werben' is encountered. In 1252 five brothers attending Clemens in Cologne were headed by Ulrich of Werben and Henry of Mirow. In 1256 the 'magister' Egbert used the house of Mirow in his title (Pflugk-Harttung, op cit. pp 26-7, cf also p 46 and pp 51-8). Pflugk-Harttung suggests in his account that Werben was decisively eclipsed by Mirow, but this is not necessarily so. For example the visit of the Grand-Prior to Werben in 1313, which Pflugk-Harttung (p 56) regards inconsequentially as an expression of good-will to the house might rather be seen as evidence that Werben was the 'in absentia' seat, a feature of the Hospital's organisation that I have commented on at several points previously.

(86) For this demonstration, see above, pp 274 and 279.

(87) See above, 279ff

superior or supervising titles of slightly differing character both appeared as provincial superior in Zachan.⁽⁸⁸⁾ The definitive proof, using a reference only latterly made available, that Conrad of Dorstat as local head of the province did in fact use a triple title covering all political divisions of Pomerania, suggests that Gdańsk-Pomerania may also have been included at the earlier date.⁽⁸⁹⁾

It is hardly possible to describe the enormously complicated situation that arose within the eastern province of the German priorate from the 1290s without reference to the material which Pflugk-Harttung has collated, although, as already indicated this is at some important points incomplete, and the interpretation offered is questionable. The situation can be most simply represented as a competition for control of the Order's assets in Saxony and the Mark, in which the titles of the competitors and the definition of their scope of authority also helps to illustrate the tensions and insecurities present in the Hospital's general situation. Accordingly one may compare Pflugk-Harttung's representation of the careers of those officials close to the central authorities such as Berthold of Henneberg

(88) Helperich in 1312 and Gebhard in 1320, see above pp 269-70 where they confirmed sales in Kołobrzeg and Darłowo. Cf the following: "Zur Zeit des Herrenmeisters Gebhards von Bortfelde hielt Pommern sich abseits, unter dessen Nachfolger aber kam es zu dessen Amtsbereich." Pflugk-Harttung-Die Inneren Verhältnisse p 6, is of course, rather thinking of the specific provincial headship from which Gebhard established for the first time the idiosyncratic rank of Herrenmeister. (The incorporation of both parts of Pomerania within the German priorate he took for granted.) I would suggest against this specific judgement on Gebhard's position, however, that the position of seniority which he held in 1320 was not superseded, but was rather supported by Conrad of Dorstat's appointment.

(89) See above p 299, Note 108

the elder (90) and Paul of Modena (91), with those of others whose connexions were demonstrably local, such as Ulrich Schwabe (92), and above all, Gebhard of Bortfelde, the first Herrenmeister. (93) From their careers it can be clearly seen that there was no direct line of inheritance from any thirteenth-century Grand-Prior, resident in Germany and presiding over a province of Germany and the East: rather, in Brandenburg as in Bohemia, the ambition of provincial superiors was directed towards exercising the authority which had earlier been assigned to the visiting 'magnus preceptor' and later to the 'Visitor'.

It is certainly worth drawing attention to those particular Pomeranian associations of the families of the first

(90) See previous section. It is worth repeating that significant elements of the careers of both Berthold and Helperich of Rüdigheim are not discussed in Pflugk-Harttung's treatment.

(91) Pflugk-Harttung-Die Anfänge p 18 demonstrates how Paul as the deputy of the Visitor, provided an important channel of authority for Gebhard in 1321, appointing him his 'Mandator'. A less certain example of the relationship is also produced by Pflugk-Harttung from 1320 (op cit. p 20)

(92) For the earlier stage of Ulrich's career, ignored in Pflugk-Harttung's treatment, see above pp 320-1. After purchasing the estates in Nemerow in 1298, Ulrich four years later combined the offices of commander of Braunschweig, Nemerow and Gartow. This combination of titles, indicating headship of the Saxon province, was later recreated by Paul and Gebhard. See Pflugk-Harttung, op cit. pp 76-82 and especially p 81, where the question of whether Ulrich anticipated or exercised Gebhard's later function is discussed, and attention is correctly drawn to Ulrich's important local supporters, notably the margraves of Brandenburg. Since Ulrich died between 1318 and 1322, it seems quite reasonable to regard Gebhard as his direct successor. That both Ulrich and Gebhard, as Pflugk-Harttung has it, avoided Werben is explicable if that house is seen as possessing a particular significance for the Grand-Prior.

(93) Although Gebhard von Bortfelde's provincial headship can be placed as early as 1320 (from the Pomeranian charter, (PUB 3409)), Pflugk-Harttung, op cit. p 21 assigns particular significance to his use of titles in 1327 and 1328. His style then was 'magister' in Saxony, the Mark and Slavia. The recognition of his title as conveying possession of an imperial fief, made by the Emperor Ludwig in Pavia on 24 July 1329, is regarded by Pflugk-Harttung (ibid.), surely correctly, as instituting the 'Herrenmeistertum'. Since all this happened in the lifetime of Berthold von Henneberg, Pflugk-Harttung's failure to comprehend what was involved in Michael of Tyniec's analogous succession to the Bohemian Grand-Priorate is surprising.

Herrenmeister and his successors in that office, which have already been the subject of comment in the present work: that is to say the families of Bortfelde⁽⁹⁴⁾, Henneberg⁽⁹⁵⁾, Wartenberg⁽⁹⁶⁾ and Werberg⁽⁹⁷⁾.

Once former Templar properties had been recovered, the two houses of Lagow (Łagów) and Tempelburg (Czaplinek) were created from original endowments provided for the Temple by the princes of Wielkopolska, and were soon of sufficient importance to be treated in the negotiations of 1366-70 for the Gdańsk-Pomeranian sale as regional seats within the province of the Herrenmeister.⁽⁹⁸⁾ Gebhard of Bortfelde took the 'commandership' of Tempelburg as his title on retirement.⁽⁹⁹⁾ The house of Lagow was relocated to Sonnenburg (Słońsk) which became the final seat of the Herrenmeister.⁽¹⁰⁰⁾ From its archive the Order's own historians and those with an interest in the 'Herrenmeistertum', Beckmann, Dithmar, Oelrichs, König, Winterfeld and others produced accounts of the history of the 'Balley Brandenburg': in the nineteenth century a periodical was devoted to this topic. The historical context in which the Order's properties were originally acquired remained, literally, beyond comprehension. That of the earliest history of Berlin remains so, and yet it is the same.

(94) John of Bortfelde was provincial head in Gdańsk-Pomerania, See above pp 298-9 (95) See above p 284 Note 66 for Frederick of 'Hinnenborch'. (96) See above pp 301-3 (97) Ibid.

(98) See above, p 305 Note 126. There is significant error in Ledebur and in Preuss. Ub. in describing the provisions of this act.

(99) Pflugk-Harttung loc cit. (1347). The interpretation of the status of Tempelburg which I have presented (see previous note) goes some way towards explaining Gebhard's title in this act. See Pflugk-Harttung (op cit. pp 98-101) for Gebhard's excommunication in 1336 and the later stages of his career.

(100) For Lagow, see below, Chapter 6 Section 8.

1) The Lubusz Territory: Lietzen and Chwarszczany

The Lubusz territory, which, at the start of this period was largely unsettled might be best described as a political buffer zone where neither Polish nor German princes had established control.⁽¹⁾ Between 1210 and 1230 Henry the Bearded and Władysław Laskonogi in turn held it before Odonic dispossessed Laskonogi in their wider-ranging struggle for the rule of Wielkopolska. Barnim of Pomerania also claimed the northern part, while from the west the archbishopric of Magdeburg showed a renewed interest in its ancient territorial claims. However, Henry the Bearded's plans for Lubusz did not involve annexation⁽²⁾; while the princes of Wielkopolska could be held to have missed the most favourable moment for the prosecution of their claims.

(1) The problems associated with the early existence of the bishopric may be divided into three chronological areas (related to its putative establishment) as follows: 1) creation during the reign of Mieszko I, which although relying on Długosz's information is entirely unsatisfactory.

(2) creation within the context of Bolesław the Bold's mission plans - this version formerly derived plausibility from a perceived connection of the bishopric with the Ruthenian Christians on the Małopolskan border, and according to some early modern historians, the bishopric of Lubusz was transplanted from the East. This version also can be supported from late medieval propaganda, but its later elaboration is a result of ill-informed and implausible conjecture. (3) The third suggested date of origin, which is founded on a more acceptable argumentative methodology (see for example, K. Maleczyński's comments in *W sprawie autentyczności bulli gnieźnieńskiej*) links the creation of the bishopric, albeit still circumstantially, to the Baltic policy of Bolesław the Smeerer and the visit of the legate Giles of Tusculum. See A. Weiss-Organizacja diecezji lubuskiej, pp 35-45

(2) Zientara-Henryk Brodaty (*Sprawy czeskie, Ziemia lubuska i Tajemnica Tempelhofu*, chapter) sets these matters in the additional context of Henry's rivalry in Lusatia with Dietrich of Meissen; relating the course of events also to the earliest projects of the Czech crown in Prussia.

For the Piast princes to promote their claims to sovereignty before 1250 ran the risk of disturbing the regional political balance: the situation in Lubusz was rendered more complicated still by the distribution of property in Lubusz between all the heirs of Bolesław the Sneezer. Thus the princes in Małopolska and Mazovia had landed interests in Lubusz, but no common border.⁽³⁾ Information on the structure of land-holding in the Lubusz territory in the first half of the thirteenth century derives to a large degree from the record of donations made there to the Temple.⁽⁴⁾

The Temple's original benefactors were the Polish and Szczecin-Pomeranian princes. Some established methods of interpretation invariably represent the relationship of donor and recipient in terms of an invitation to perform Germanising, missionising, and colonising activity.⁽⁵⁾ The Templars certainly both participated in, and profited from, the development of the

(3) See below, p 334 Notes 21/5. The joint inheritance in Lubusz may derive from the arrangement under which Bolesław the Sneezer placed the princely revenues of his three administrative outposts in Gdańsk, Kruszwica and Lubusz under the direct control of his household. Weiss. loc cit.

(4) Wohlbrück specifically excluded the very confused information on the earlier period from his analysis. His use of a structure provided by the available documentation and exclusion of speculation have ensured all subsequent writers owe him a considerable debt.

(5) Helmut Lüpke devoted considerable efforts to the reconstruction of the historical record of the Templar presence (cf. M. Burleigh-Germany Looks Eastward, pp 56-7, 138). His results have been preserved in the summary of his doctoral thesis, and a series of accompanying articles, as well as in an indispensable survey of the archival survivals - in particular the 17th and 18th-century registrations of acts in the Hospitallers' Sonnenburg Archive (later incorporated into the Prussian State Archive). His projected source collection was in the process of preparation for publication at Marburg in 1984. I have been unable to consult this: however, I have paid attention to the particular conclusions offered elsewhere in Lüpke's works. These do not seem to me entirely consistent with its intended title: "Templar Charters Covering the Eastern Colonisation".

Lubusz region in the period 1200-50: however, judgement on the manner of their participation and the actual benefits derived will be given here after a description of the character of the benefaction which they received.

Modern Polish research has recognised the special circumstances of the Lubusz region and taken account of the fact that there was extensive new settlement there. In particular two important examinations of the context of the documentary holding of the Silesian Cistercian abbeys and comparison of estates in Silesia itself and on the Lubusz border have distinguished between the abbeys' original dotal endowment within Silesia and later grants of unsettled areas outside the duchy.⁽⁶⁾

The first donations of secular property to the Temple are known from a series of charters recording princely donations, and a more comprehensive, but less specific, series of grants of tithe from the bishop of Lubusz. Three large donations were conveyed: by Henry the Bearded of Silesia (known from the transfer of tithe in 1229)⁽⁷⁾; by Władysław Odonic of Wielkopolska (preserved in Odonic's own act of 1232 as well as in the bishop's tithe-document of the same year)⁽⁸⁾; and by Barnim of Pomerania

(6) Z. Wielgosz-Wielka *własność cysterska*, 5ff has a discussion of previous literature. 13ff contains an important discussion of the grants made to religious houses in the border castellanies. S. Trawkowski-Gospodarka 8ff describes the previous literature, predominantly the followers of F. Winter's original Germanising concept, notably E. Michael, and the Polish historian St. Zakrzewski who attempted to develop these ideas. Trawkowski, (46ff) outlines a pertinent model for 'internal' colonisation, and his own detailed model for Silesian estates in Cistercian ownership follows (50ff)

(7) (undated) 1229 SUB 307 (from SR 346a, correcting the unmerited separate entry under SR 345 for Henry's donations, which can only be inferred from the bishop's act.

(8) Odonic's donation 1232, Wohlbrück 61-2, 434; Bishop Laurence's tithe-grant, 1232, Wohlbrück 60-1.

(in three acts of 1234/5, with the bishop's tithe-grant in 1235).⁽⁹⁾ Odonic is to be seen as the provider of the core endowment of the Chwarszczany house, Barnim of that in Roreke, while Henry the Bearded was the founder of the Lietzen ('Lizenize' house).⁽¹⁰⁾

A second round of tithe-agreements with the bishop of Lubusz, starting in 1244 for the Lietzen house, and a parallel series made with the bishops of neighbouring dioceses are of the greatest significance: they specify, as the very earliest tithe donations did not, that the absolute donation of tithe revenues inferred by most commentators at the earlier date was not in fact made.⁽¹¹⁾ What was originally donated was the proprietor's share, (which may have been given to the Order on advantageous terms or with a grace-period), but although the first grants were presented as complete donations of all tithe, the later evidence shows that

(9) Barnim's donations were (1) (undated) 1234 "villam que dicitur Dargumiz in terra Chinz" Wohlbrück I 66-7 ; (2) 28 December 1234 (not 1235, cf PUB 309) the "terra" of Bahn; (3) 200 'mans' in Cedynia. 'Dargumiz' adjoining Chwarszczany and the 200 'mans' in Cedynia were the subject of Bishop Henry's tithe-grant of 1235 (Riedel I 24 pp 1/2 No. 11). Wohlbrück, p 66 Note 2 wrote of the latter (after Kehrberg) "item aliorum 200 mansorum decimam in confinio castri Sden juxta rivulum Rurka", so although Riedel's publication has 'Iden' and 'Ruritza' to which it is hard to assign meaning, there can be little doubt that this is the original donation of the land for the later Roreke house. An agreement between Lubusz and Karmin assigned Cedynia (Zehden) to the latter at about this time.

(10) This straightforward identification should be held to, in spite of Lüpke's speculative construction (making use of evidence from a Hospitaller necrology of the early 14th century), suggesting Henry the Bearded, rather than Odonic, as the original donor of the core endowment of the Chwarszczany house. See J. Spors-Poczętki i stan posiadania templariuszy pp 112-13. The completely opposite identification of Odonic as sponsor in Lietzen as well as in Chwarszczany (put forward by Worbs) can not be sustained.

(11) The tithe donations of 1229-34 are invariably so characterised in all source collections. Specific indication of the grace period and the anticipation of the later payment of residues are not encountered before 1244, but the payment of residual tithe may be assumed, given the later general agreements, to have been the rule.

'residues', a customary proportion was owed to the bishop.⁽¹²⁾

The second round of tithe-documents also list by name the properties which had been newly developed in the areas of original donation.⁽¹³⁾ The chapel of Lietzen stood at the core of a property-nexus in the Temple's possession including the villas of Lietzen itself, Tempelberg, Marquardsdorf and Henriksdorf.⁽¹⁴⁾ Under the agreement made in 1244 the residual tithe belonging to the cathedral church was to be joined to the bishop's tithe from Werbig, a vill also in the Order's possession, to constitute a prebend of the Lubusz church, to be held by a Templar.⁽¹⁵⁾

The Order also owned the town of Sulęcín (Zielenzig). There is no certainty, however, that they were responsible for its plantation or settlement, which is more likely to have been carried out by the Silesian noble, Count Mroczko of Pogarell before the town was transferred to the Order.⁽¹⁶⁾ In the

(12) Since a standard payment applied in the case of property located under German law, administrative convenience alone would have been a reason for new settlements to be so described. It has long been an accepted practice to identify 'German law' settlements if any associated customary element, for example, in tithe payments is deemed to be present.

(13) The Lietzen group, considered here, allows a neat conclusion: the settlement of four German villas between the date of the original unnamed grant and 1244. However, other cases do not correspond to this model: Bahn and Wielkowieś, where settled properties were acquired and tithe-arrangements were already in place; and Chwarszczany, where the listing of properties from 1262 contains Slav names (Nywik, Boguzławe) in addition to those which are recorded among the original donations (Lubno, Oborane). This is not to say that these properties might not be located under German law, or be populated by German settlers, - both of these things clearly happened as, for example, the name-change of Oborane to Nabern indicates, - merely that no simple judgements are possible in these matters. (14) 1244 Wohlbrück pp 70-2, AA pp 292-3 Note 164

(15) Among the canons witnessing the act is "Hermannus Templariorum Canonicus" This mirrors the arrangement in the Poznań church.

(16) The first act mentioning Mroczko's foundation of the town from 1241 (SUB 224), is misleadingly described there as conveying permission to locate: in fact it is an agreement on tithe and rent following the location. Mroczko's grant to the Temple in 1244 (SUB 276) was followed in the same year by a tithe agreement between the Temple and the bishop of Lubusz. (Riedel V No 5)

case of the Temple's second 'miasteczko' in Bahn - at the time of its donation within the territory of the Szczecin-Pomeranian principality - it also seems clear that this was not a 'waste' area transferred to the Templars for them to carry out a general plantation, since its donation in 1234 was witnessed by a number of individuals described as "heirs in the Bahn territory"⁽¹⁷⁾: this is hardly consistent with "desert" status; rather it provides clear evidence of the existence of an established network of property-ownership over which the Temple assumed the rights of lordship. The attendant privileges for Bahn, the grant of market rights in 1234⁽¹⁸⁾, and a trading privilege granted in 1236⁽¹⁹⁾ should likewise be seen as conferring overlordship rather than a commission for the settlement of a barren region.

The original donations of the Slav princes were matched by benefaction inside their own principalities, suggesting that the expenses of settlement in the three new Lubusz properties were defrayed by the revenues from these other donations.⁽²⁰⁾

(17) "Heredes autem sepe dicte terre et villarum in ea sitarum in nostra presenciam constituti, quicquid juris in ipsa terra et villis addixerant vel attribuerant sibi, bona voluntate penitus relaxarunt. Nomina vero heredum hec sunt: Barnislaus, Symon, Snitin, Jacobus, Wenzlaus, Gutislaus, Symon, Nicolaus, Leonardus, Jargoneus." From Barnim's donation of 1234 (Riedel I 19, pp 2-3 No IV)

(18) "totam terram que Banen vulgariter appellatur cum omni utilitate..etc...cum omni jure ac jurisdictione perpetuo possidendam plenam addentes eis ut in civitate ipsorum Banen vulgariter appellata forum habere possint facultatem ab omni jurisdictione nostra libera et immune." *ibid.*

(19) "talem concessimus libertatem per totam terram nostram vt nec ipsi nec homines eorum qui ad partes nostras sunt deinceps transaturi, vlla penitus exactione thelonej uexabuntur." 4 March 1236, AA p 317 Note 257. This is a privilege of a kind already discussed in the context of certain of the Hospital's possessions.

(20) For Silesia, see below, 338ff, Wielkopolska, below 345ff Szczecin-Pomerania below 349ff

It is an interesting question whether other Polish princes can be identified as benefactors or sponsors of the Temple in the Lubusz territory. In 1241 or possibly in 1243) Bishop Henry of Lubusz confirmed rents from 100 'mansii' in the 'Sydlow' region⁽²¹⁾; while in the same year a prince Bolesław made the donation of Małoszów (Malosow) in the Santok castellany.⁽²²⁾

The possibility that either Bolesław of Mazovia or Bolesław the Chaste of Małopolska was the donor of the latter does not appear to have been considered: yet, Bolesław of Mazovia was already a benefactor of the Order, and although his donation is always held to have been made in his own principality there is no later reference there to the properties named in his act ⁽²³⁾; while Bolesław of Małopolska was a sponsor of the Temple⁽²⁴⁾, and indeed of the bishopric of Lubusz in his own principality.⁽²⁵⁾

(21) (Undated) 1241 (SUB II 225) The original of this act is lost; it has been reconstructed from eighteenth-century registrations by H. Lüpke. It may be noted in passing that the registration from Kehrberg quoted in Wohlbrück p 104 is rather more extensive than Lüpke's reconstruction published in SUB II 225. It is described there as an assignation of rent from 100 'mansii' in 'Sydlow' (Schiedlow, see below Note 28); but is more likely on the evidence of Kehrberg's registration to have been a composition on future tithe payments of a kind that has already been encountered.

(22) (Undated) SUB II 226. This too has been reconstructed from eighteenth-century registrations and so offers considerable scope for speculation. The two features of interest in the version produced by Lüpke are the titulature of the donor 'dux Slesiae, Cracoviae et Poloniae' and the promise of the donor to recompense the Order 'in proprio dominio' should the donation ('in territorio Svantok') cease to be under the rule of the son of Władysław Odonic. W. Kuhn rather prosaically interprets the last provision as indicating a donation by Odonic's son, Bolesław. Neither of these elements should be taken as definitely excluding a benefaction by a Polish prince remote from the Lubusz arena, although the first makes Bolesław of Małopolska the more likely candidate (if it can be accepted that a later copyist added 'Slesiae' before his title).

(23) 1 October 1239, AA p 334 Note 307 (DKM p 290 No 5)

(24) See below, Section 6

(25) Donations to the Lubusz church, eg Opatów were also made in the Małopolskan duchy. SR p 200 Note disputes the information in Długosz-Liber beneficiorum I, 633 that the Templars previously held this property. See below, Section 6.

It is far easier to assert that the Templars in Lubusz, indeed the Military Orders in a number of situations, discharged a 'frontier' role, than to define with any certainty what that role was⁽²⁶⁾: the Templars in Lubusz, for reasons which will soon be readily apparent, can not possibly be portrayed as an element working for, or otherwise anticipating, the introduction of German authority; they might credibly be represented, however, as part of a common Slav solution to the problem of German encroachment.

Originally the Templars obtained extensive grants of property beyond their core endowment in Chwarszczany and Lietzen. The tithe-instrument for 'Sydlo' and confirmation of the donation of Małuszów dating from 1241 both indicate earlier large donations.⁽²⁷⁾ The donation in 'Sydlo' was matched by Odonic's grant of Krośno in 1233.⁽²⁸⁾ The Temple's holding in this region, however, had almost certainly been relinquished by 1250.⁽²⁹⁾ There are equally a number of registrations from the Sonnenburg archive,

(26) W. Kuhn and H. Lüpke have both encouraged this 'frontier' concept in their writings, albeit with slightly differing perspectives. See Conclusion for a broader discussion of the 'frontier'.

(27) SUB II 225 / 226 (1241)

(28) AA p 310 Note 234. Ledebur appears non-committal as to an identification. "Allerdings können wir eine Urkunde.. vom Jahre 1233 beibringen, worin Herzog Ludezlaus von Polen ein Crozno dem Orden schenkt."

(29) Wohlbrück pp 103-4 records the confirmation by Pope Gregory IX of gifts to the Silesian Cistercian house of Lubiąz by Peregrinus, castellan of 'Sidlou'. Of the site, all that is known is what can be inferred from the fact that it lay within the bishopric of Lubusz and was ceded by Henry III of Wrocław to Henry of Meissen by an act dated 20 April 1249. The Templars' property rights here and in Krośno, were probably removed under such cessions.

which suggest that analagous large grants on the Wielkopolskan-Pomeranian border also produced no lasting result.⁽³⁰⁾

In 1238 the Order obtained Pope Gregory IX's confirmation of their tithes in Kostrzyń, and it is likely that this comprehended all tithe-assignments to date associated with the Chwarszczany house.⁽³¹⁾ The question of the scope and scale of Odonic's intended donation in Kostrzyń is, nonetheless, a difficult one. When the whole territory was donated by Bolesław of Wielkopolska in 1259, the act issued on that occasion was represented as a confirmation of Odonic's original endowment of the house of Chwarszczany.⁽³²⁾ The simplest explanation of this act is surely correct: that Bolesław's was a provocative donation, made against the background of the margraves' territorial advance.⁽³³⁾

The relationship between the margraves and the Order was long misinterpreted as one of sponsorship and benefaction⁽³⁴⁾; the fact of their mutual antagonism is readily apparent once it is understood that the consequence of the Templars'

(30) See below, p 345 Note 76

(31) 1238 CDBr V 283, quoted in Wohlbrück p 435

(32) 11 February 1259, CDBr I 45. Spors op cit, 120ff

(33) CDBr I 45. The size of the Kostrzyń district is discussed by Spors, op cit. 122. There is no doubt that the donation described by Bolesław's act is considerably larger than the 1 000 mansi of Odonic's original donation even if the additional donations of Count Włosto and Barnim are also counted in. Given the circumstances of issue of the act, this discrepancy does not present a real problem. It is equally worth noting that Bolesław's act also provides for an increase of the Order's possessions in the Santok castellany.

(34) For example, Heyden op cit. p 186 "Sehr förderten die Templer die Askanier die in ihnen Bundesgenossen gegen die Polen hatten." This comment, following a list of benefactions by Slav princes, against which it is not possible to set a single genuine benefaction made by the margraves, represents a neat reversal of the actual situation at this date.

acceptance of Bolesław's total resignation of Kostrzyń was dispossession from Chwarszczany and their other properties in the Mark. The first stage of settlement of the quarrel was recorded in 1262⁽³⁵⁾, under which the Temple surrendered a number of properties, including Myślibórz (Soldin) which they had received from Odonic in 1238⁽³⁶⁾, and the town of Kostrzyń itself.⁽³⁷⁾ They obtained a series of bulls between 1249 and 1258 for the protection of their properties in neighbouring districts, including those which might now be claimed by the bishopric of Kammin, and obtained in 1261 an agreement on tithe residues from a new, possibly unsuccessful, development in 'Doberan' (Daber).⁽³⁸⁾

Yet although the Order received recognition of their rights to their original Chwarszczany properties and the town of Sulęcín in 1262, they were evidently obliged to wait for its return until 1286.⁽³⁹⁾ Nor do they appear to have felt entirely at ease in the years before its transfer, soliciting a privilege from Przemysław II and a transumpt from Bishop Conrad to strengthen their claim to Chwarszczany.⁽⁴⁰⁾ In 1295 Margrave Albert issued a boundary description for its properties.⁽⁴¹⁾

(35) (Undated) 1262 CDBr I 212. (36) (Undated) 1238 PUB 351. AA p 323 Notes 278 and 279. 'Mezlibori' is Myślibórz, i.e. Soldin. AA p 323 Notes 278/9 says that it is 'Matzelburg' near Pyrzyce, but this seems doubtful. (37) CDBr I 212 (1262) "ein Städtchen, welcher nicht genannt wird aber ohne Zweifel Cüstrin ist." (AA p 297 Note 191) (38) See below, 351ff, Notes 102-5; properties covered by previous agreements with the bishops of Lubusz became the subject of transumpt by the bishop of Kammin between 1251 and 1258. Cf Spors' judgement that all properties in Kostrzyń and the neighbouring regions, as they are listed in the papal bull of 1247, were formerly treated as dependencies of the house in Chwarszczany, which seems correct. The first act issued in Roreke was 8 February 1261, PUB 696: the establishment of the house in Roreke, from which the properties donated by the Pomeranian princes were later administered, which occurred before 1261, and probably between 1253 and 1261 (See below, p 352 Note 108), followed from these events. (39) 27 October 1286, Frag. March. V No 4 (40) 12 November 1284, Wohlbrück p145 (Transumpt of Przemysław's act of 9 November 1282 (41) 23 April 1295, AA p 300 No 197

(3) The Temple in Silesia - Oleśnica

The grants made by the Slav princes of Pomerania and Wielkopolska in the Lubusz region were matched by more conventional donations in their own principalities. Since Henry the Bearded is twice indicated as the original donor of the Lietzen property, it seems probable that he also sponsored the establishment of the Templars in their Silesian house of Oleśnica.⁽⁴²⁾

It is most likely, notwithstanding the apparent usefulness of the Templars' introduction into the Lubusz region for the princes' regional policy, that the original context for contact was provided by the visit on crusading business of Templar officials to the princes' courts⁽⁴³⁾: such grounds of association also provide a useful guide to the dating of the original donations to the Order in Silesia, which may be placed in 1227.⁽⁴⁴⁾

Property in the ownership of the Templar house in Oleśnica can be established from a relatively small number of contemporary acts, but more satisfactorily from 14th-century

(42) Henry is indicated by name as the original founder of Lietzen in 1244 (Wohlbrück pp 70-2) and 1249 (SUB II 378) The life of St. Jadwiga, Prince Henry's wife, credits her with the recommendation of the Order. (Quoted in Stenzel-Die Templerherren from SRS)

(43) See above, p 46 Note 31; this suggests either 1215-19 or 1227 (but not 1226) as plausible datings for the "Werbereisen". H. Lüpke-Untersuchungen pp 10-11, and p 15 gives 1225 as the date of the first Wielkopolskan contacts, without any indication of where this date came from.

(44) The date of 1226 often given for the establishment of the Oleśnica house has been arrived at by the simple expedient of subtracting a year from the first recorded act, that of Bishop Laurence of Wrocław from 1227 (SUB I 283). Not having been able to examine Lüpke's support for his date of 1225 (See previous note) I would maintain that 1227 is more credible and that 1226 is unlikely.

Hospitaller records.⁽⁴⁵⁾

In 1227 compensation was given to the chapel in Więzów for tithe belonging to it made over to the Templars.⁽⁴⁶⁾

This implies that the Order owned some secular property whose tithe was assigned to the chapel, but this was not necessarily situated within the later parish of Więzów.⁽⁴⁷⁾

The second act of 1240 is of considerable interest, recording an agreement between the archdeacon, as a receiver of tithe, and the Temple, as owners of the property of Brosecz⁽⁴⁸⁾, under which the Templars were to enjoy a favourable position through the reduction of the archdeacon's due residual tithe if the property remained in their own cultivation, that is as a demesne holding: but with a different rate applying if it was granted out, that is, if an enfeoffment were made following its location. Brosecz, whether or not it was subsequently 'located', remained a demesne property of the Oleśnica house.⁽⁴⁹⁾ The Order is again revealed as the owner of the impropriated tithe there by an act from 1288.⁽⁵⁰⁾ The ownership of tithe, and the status of overlordship implicit in these acts, allows Brosecz to be identified as an original principal holding.

(45) The account of Stenzel/ Heyne does not use the Hospitaller records. I am unaware to what extent the modern study of K. Eistert [See Bibliography] does so.

(46) SUB 283 I (from Lüpke's Ms. of SR 316)

(47) The tithe-areas originally assigned to 'capellae' or older churches in the pre-parochial system could be considerably more extensive than those in the eventual parish network. In many cases parish formation required separation; this process has already been described in the case of Dzierzoniów and Peterswald, and may also have applied here. See also above p 219 Note 128.

(48) 10 Feb 1240, SUB II 176 (from the Wrocław archive)

(49) This agreement could be most simply described as a device to ensure that the Order's vassals would not acquire the Order's privileged status.

(50) 30 June 1288 (unpublished), AMR 742.

There is a reference to property in Bąków from 1260, whose relevance to the Temple has been disputed.⁽⁵¹⁾ However, additional proof that Bąków was indeed a Templar property can be supplied.⁽⁵²⁾ The act of 1260 effectively conveys the prince's permission for the privileged ownership or franchise applying under the Templars' ownership to be transferred to the terms of tenure of their vassal, Wigo, following his enfeoffment.⁽⁵³⁾ This act indicates the status of overlord which the Temple enjoyed in Bąków; a more complete listing of similar properties, some of which were certainly planted during the Temple's period of ownership can be reconstructed from fourteenth-century Hospitalier records.⁽⁵⁴⁾ The 'sculteti' on these Templar estates might also be described as the Order's vassals.⁽⁵⁵⁾ This situation, encountered in 1294, allows further identification of demesne properties: Chwaliboyce (Frauenhain), Kauern, Jutrzyń (Marienau),

(51) SR 1036 (Wrocław archive, registration)). "Z. Des Herz. Br. Conrad. Br. Achilles und Bruno und Mag. Walter" Lüpke-Bankau p 279 considers the view put forward by Josef Brier-Die Ritterkommende Klein-Oels, Kr. Ohlau im Mittelalter. Phil. Diss. Wrocław 1924, that since the registration in the Wrocław archive was preserved in the collections of the hospital of St. Elizabeth belonging to the Hospitaliers of the Red Star, their vill of Bąków was intended. Lüpke concedes that the brothers, Achilles and Bruno are unknown from elsewhere (incorrectly since Fra. Bruno, a Templar witnesses in 1251, see below p 361), but argues that the Oleśnica vill was intended in 1260. Although Lüpke produces a privilege from 1317 (SR 3671) naming Bąków among the Oleśnica vills, he does not show awareness of the further relevant privileges in AMR discussed in this section. On Lüpke's further suggestion that Walter and the two brothers may have been members of the Teutonic Knights, it is sufficient to comment that 'Achilles' and Bruno could very well have conducted business, indeed represented a house, at this date with a simple title. The 'magister' Walter, who appears to follow them in the witness-list, might plausibly be considered a member of another order.

(52) For example AMR 1715 (1364) See Note 64

(53) SR 1036

(54) An important stage in the Hospital's recovery of its Oleśnica estates was obtaining a judgement recognising their entitlement to the rights of the scultetus in Brosecz, Jutrzyń and Kowalów. See Note 69.

(55) The distinction between 'knight-service' and the contract of the scultetus became blurred in the course of time.

and Owczary Tempelfeld).⁽⁵⁶⁾ The latter's name is obviously suggestive of Templar ownership, but further confirmation that three of the named villas were formerly in the Temple's ownership comes from Hospitaller records of the next century.⁽⁵⁷⁾

The holdings of the Oleśnica house were distributed widely through the Silesian principalities. This may reflect a widespread societal support at the time of endowment with the prince, Henry the Bearded, standing at its head; it could also be cited to confirm the proposition that a house established under the prince's sponsorship was the less likely to establish filiate houses. The sale in 1308⁽⁵⁸⁾ of a bequest in Gottschalksdorf near Strzegom may indicate a weaker level of property-holding in that district and the realisation of an asset which had no useful application. Even with this apparent indication of a lack of interest in retaining property there, the total absence of other interests in the Swidnica district can not be assumed. The title of a Templar witness in the act of 1308 suggests that property may also have been held in the Opole principality, but this remains completely unknown.⁽⁵⁹⁾

(56) 6 May 1294, (SR 2316 Wrocław local archive, Brieg transcript of 1482). This describes the holding of the scultetus in the Order's property of Chwaliboyce in the Oława district and is witnessed by the 'sculteti' of the remaining properties: three of the four were certainly Templar vassals. See Notes 64 and 69.

(57) Stenzel/ Heyne tentatively infer Templar lordship from the act of 1294.

(58) 9 September 1308 (unpublished) AMR 744 (SR 3011)

(59) "Magister opilionum". *ibid.* There are slight indications that the Strzegom house obtained new interests in the Swidnica district in the fourteenth century, and local traditions of a Templar presence. Such traditions should, however, be viewed with extreme caution. The considerable value of Schüpferling's work on Germany, - which Lüpke rather undervalued in his comments on its eastern section, - lies in the consideration of such local legends as a prelude to their invariable exclusion, allowing a vastly improved picture of the Order's presence to emerge.

The record of the Templar holding (but probably only of that part of it which was retained as demesne property) can be supplemented from the record of repurchase of former Templar holdings, which the Hospital *was* designated to inherit by papal instructions: possibly the ambiguous legal status of confiscated property allowed the Order to repurchase on favourable terms.

After the transfer of Oleśnica to the Hospital's control the first partial description of the Order's demesne vill in Oleśnica produces three new names, Niemil, Kalinów and (possibly) Witowice.⁽⁶⁰⁾ In Niemil, however, the Order did not receive the tithe or own the church in full⁽⁶¹⁾, and frequent sales and purchases of property there are recorded in the following decades.⁽⁶²⁾ Kalinów was the subject of an outright purchase by the Hospital in 1351.⁽⁶³⁾

Częstocice is first definitively recorded as a demesne vill of the Oleśnica commandery in 1347.⁽⁶⁴⁾ However, smaller interests there had been the subject of a purchase by the

(60) 30 July 1319 (unpublished) AMR 746 (SR 3936). This records the restoration of a donation of 2 'mansii' between the woods and the three named vill originally made to the Templars by the 'pincerna' Conrad.

(61) This emerges from an act of 16 November 1342 (unpublished) AMR 761 (SR 6958) which names a certain Anna as owner of half the church in Niemil. The earlier sale of a grain rent in Niemil by the Provost of Strzelin of 26 April 1318 (unpublished) AMR 745 may indicate that that congregation owned the tithe-rights.

(62) These date from the entry of Knecht of Hugewitz into the Order's hierarchy. On 21 October 1349 (unpublished) AMR 772 the purchase of 10 'mansii' and half of the scultetus's rights was recorded, and on 27 March 1352, this purchase and a further one of 10 'mansii' confirmed. (Unpublished) 2 April 1352, AMR 780.

(63) 29 November 1351 (unpublished) AMR 777. Knecht of Hugewitz bought Kalinów for 100 marks.

(64) 20 March 1347 (unpublished) AMR 768 listed Bierzów, Młodoszowice, Bęków (see above, Notes 52/4) and Częstocice (Guntheri villa) as vill of the Oleśnica house. A further listing from 17 September 1364 (unpublished) AMR 1715 is also of interest: Owczary (Tempelfeld), Bierzów, Jaworów, Kłosów, Chwaliboyce, Bęków, Młodoszowice.

Hospital's first commander in Oleśnica, Kitthel of Kitlitz.⁽⁶⁵⁾

The Hospital would appear to have owned the parish of Częstocice in 1334⁽⁶⁶⁾, while in 1344 Conrad Spigel and Knecht of Hugewitz bought the prince's rights there for a fixed term⁽⁶⁷⁾, which is a clear indication of demesne ownership.

On two occasions, the Hospital had reason to thank the bishop's court for recognition of former Templar rights. In 1329 former rights in Bryłów were recognised as a result of such a judgement.⁽⁶⁸⁾ Most significantly the status of the Hospital's lordship, and its proprietorial ownership of the scultetus's rights in the 3 vills of Brosecz, Jutrzyń and Kowałów was acknowledged by Nicholas of Ziębice, following a judgement of Bishop Przecław of Wrocław.⁽⁶⁹⁾

(65) 17 October 1329 (unpublished) AMR 749 (SR 4897) Bolesław of Legnica removed the prince's exactions from 4 'mansi' and also made over a grain rent, which probably originated in tithe-rights. I would regard these provisions as a tidying-up of matters related to the Hospital's status of overlordship which had come into question in the interval following the Temple's suppression.

(66) The Hospitaller Prior Michael of Tyniec contributed a property for its dotation in an act from 24 April 1334 (unpublished) AMR 618 (SR 5325)

(67) 12 January 1344 (unpublished) AMR 762

(68) 17 November 1329 (unpublished) AMR 751 (SR 4889). However, the final shape of the Hospital's holding there was determined by the acquisition of very small shares. (1 7/8 mansi) 8 January 1330 (unpublished) AMR 752 (SR 4907); (6 3/8 mansi) 1 November 1332 (unpublished) AMR 755 (SR 5158). Both were bought with the right to settle under German law, quite obviously at this date a legalistic concept reflecting the character and status of lordship.

(69) 4 April 1357 (unpublished) AMR 784 contains the following: "Matthias de Pannewicz necnon..Knecht de Hugwitz..nos cum sufficienti testimonio in presentia venerabilis in Christo patris etc. Preczlai Ep. Wrat...informaverunt se ab illo tempore quo Templarii per sedem apostolicam ... condemnati fuerunt et de possessione predictarum villarum privati et spoliati, easdem tres villas prenominate cum omni jure, dominio, judicio, utilitate, fructu et libertate et nominatim dominio hereditario tamque veri et originales hereditarii domini tenuisse.." and continues to describe the claim to exemption from rents, exactions and judicial interference, which is duly recognised. Previously the Order had purchased the scultetus's rights in the vills for a fixed term of 2 years. 1 February 1350 (unpublished) AMR 773.

The purchase of other interests in the fourteenth century offers a less clear indication of former Templar ownership: that made in Wese, for example, would appear to be a straightforward acquisition and the choice of site may owe something to the local connections of the purchaser, Kitthel.⁽⁷⁰⁾ Similarly a later purchase in Jankowice⁽⁷¹⁾ can probably be explained by the local associations of the purchaser.⁽⁷²⁾ The remaining minor purchases of this century, in Kucharzowice⁽⁷³⁾, and Włodzisławice (in the Grodków district ⁽⁷⁴⁾) are also more likely to have this context than to be a repurchase or extension of former Templar interests.

The internal financial transactions of the Hospital's Silesian province in the fourteenth century, and the preferential purchase in particular estates helps to give some idea of the changing shape of the Order's holding.⁽⁷⁵⁾ The core for the Oleśnica house clearly remained the former Templar estates, those known from the previous century, and the further properties identified here.

(70) 11 September 1329 (unpublished) AMR 748 (SR 4870) Kitthel of Kitlitz bought 'Wiese' (Łąka near Nysa) for 40 marks.

(71) 21 February 1345 Knecht of Hugewitz purchased 4½ mansi in Jankowice (unpublished) AMR 763.

(72) 3 'mansi' in Jankowice were purchased for the annuity of the Hospitaller Tanno and made over to the Order following his death. 8 March 1363 (unpublished) AMR 790. The Order's estate there was sold on 23 June 1365 (unpublished) AMR 792, with the retention of feudal service for 130 marks. Later the same year 140 marks was spent on acquiring 8 'mansi' in Niemil. 18 November 1365 (unpublished) AMR 793.

(73) 30 December 1347 (unpublished) AMR 769

(74) (after 25 December) 1347 (unpublished) AMR 767

(75) For example, on 30 September 1364, the commander of Wrocław John Oczków bought a ten mark rent on the Oleśnica estates to raise 100 marks for purchases in Niemil (unpublished) AMR 1716. In 1378 revenues from the Oleśnica villas were used for the dotation of a new collegiate foundation in Brzeg. (Neuling, op cit. p 215)

Odonic's act of 1232 for the Temple is a summary which covers a wide range of donations: several Wielkopolskan properties precede Chwarszczany in the listing.⁽⁷⁶⁾ The first of these is the Gniezno hospital with its dependent properties.⁽⁷⁷⁾ While the date of first contact between Odonic and the Temple, and most details in the chronology of donation must remain open, the interval between 1227, - the most plausible date for first contact (although Lüpke suggests 1225 without giving a reason for this choice), - and the summary act of 1232 whose text is the first that we possess, does not appear in itself to demand the drastic reconstruction that Lüpke announced as his aim.⁽⁷⁸⁾

(76) "dedi hospitale Gniznense...addens eidem villam Cinitlo cum alia parva villa adiacente et lacum etiam Rogov. Adhec villas duas Oporino et Moclisov pertinentes ad eum. Contuli quoque... villam dictam velikauetz cum omnibus suis attinentiis. Insuper chwartsane villam super mizzla fluvium sitam cum mille mansis et foro infra terminos illorum habendo iure et more teutonicali." (undated) 1232 Wohlbrück p 61.

(77) The Gniezno hospital's dependencies, the lake of Rogow and the two villas of 'Oporino' and 'Moclisov' were also Lubusz border properties. This information may be the source of one of the König registrations with Cinitlo transformed into Cenethnici.

(78) Lüpke-Untersuchungen 12ff; this is really no more than chapter headings which anticipate later results and demonstrations, and I am unaware of any publication of detailed argument on these points. However, Lüpke appears to list as "Einzel-und Streubesitz in den Diözesen Posen, Karmin und Gnesen: Die Schenkung von 1225, Koschmin und Orla, Krosno..Die Schenkung von 1238, Költchen, Die Seen Bothcove und Ostroviz, Das Spital zu Gnesen." This is distinctly unpromising. While the possession of the two lakes in the Santok castellany is known from their surrender to the margraves in 1262, and of Cosmino, Colcino and Orla from the tithe-agreement of 1251 (Wohlbrück p 38), allowing, for example, some conjecture on additions made between 1251 and 1262, Lüpke can only have had in mind a wholesale reorganisation and rejection of the available information for which no evidence was offered in his subsequent writings. Thus Lüpke seems to have intended to reject the act donating Krośno from 1233 and the Gniezno hospital's transfer in 1232, as he elsewhere rejected the identification of Odonic as the sponsor in Chwarszczany. Nor is it at all clear where the two dates of 1225 and 1238 have come from.

The date of the Gniezno hospital's transfer to the Miechowites has long been obscure, but it had certainly occurred by 1253.⁽⁷⁹⁾

The second part of the Wielkopolskan donation comprised the vill "velkauetz". In contrast to the two original Lubusz houses, Lüpke does not characterise the donation as 'waste' at the time of its donation.⁽⁸⁰⁾ This is clearly correct since Wielkawieś (Grossdorf) already possessed an assignation of tithe for at least a part of the later Templar property.⁽⁸¹⁾ The property was extended by the donation of Zarino (Seeren) by the 'miles' Boguphal which Przemysław confirmed in 1256.⁽⁸²⁾ These interests were later attached to the Lagow (Łagów) house.⁽⁸³⁾ The Wielkopolskan holdings of the Order listed by Bishop Boguphal in 1251 also included 'Kron' (Wałcz / Deutsch-Krone) which was given in 1249 by a comital family⁽⁸⁴⁾ and 'Colcino' (Költschen).⁽⁸⁵⁾ The donation of "Vitankouo, Orla, Cenethnici" which appears in a registration in the König Ms may relate to a further group of properties in the same region.⁽⁸⁶⁾ Another König registration

(79) An act for the hospital under Miechowite control dated 10 May 1253, published in KH (40) 1926 was finally included in KDWP VI No 10.

(80) Lüpke-Grossdorf p 67. (81) Wohlbrück, p 116

(82) 14 February 1256 (AA p 304 No 214). (83) Lüpke-Grossdorf 54ff establishes the identification of the site of 'Wielkawieś' against the suggestion of another writer who proposed a site near Chojna. However, the question is hardly open to doubt since the later records of the Lagow house in Wohlbrück's Berlin collection allow extensive description of the properties in the sixteenth-century, by which time, however, both Wielkawieś and 'Cemelno' (Giemeln) had become wastes. There seems little doubt that Wielkopolskan border donations formed the core endowment of the later Lagow house. [See Map 3]

(84) 13 April 1249, AA p 335 Note 310 (85) This appears in the listing of 1251 (Wohlbrück p 38). (86) Since Orla and Cenethnici appear in the act of 1251 (Wohlbrück p 38), it must remain questionable whether the König registration "arce[m] Zarino et Charnow cum pago Venatnicki" (1250), König Ms quoted in (AA p 328 Notes 294/5) is of an unknown document, or simply a mangling of the information in the act of 1251. The same may apply to that dated 1238, König Ms (AA p 327 Note 293), indicating early donations in the Czarńków region.

indicates the donation of 3 000 'mansı' by Odonic in the region of Ujście Usch), but there is no subsequent information on this.⁽⁸⁷⁾ Exact information is not available on the donations suggested by these early registrations: it is certain nonetheless that the Templars did not develop these interests, and if the analogy of the Lubusz 'castellany' grants is followed, it may be suggested that these were donations liable to be withdrawn.

As far as the character of the Order's lordship is concerned, the specification of seignorial franchise does not form part of Odonic's 1232 donation. However, it is at least implicit in the forms of donation for Kron and Zarino, and when, in 1282, Przemysław II issued a confirmation of Odonic's donation of Chwarszczany, 'immunity' provisions were included.⁽⁸⁸⁾

Shortly after Przemysław's grant of the latter privilege, the Templars commenced their last large border project in Czaplinek (Tempelburg). The Pomeranian prince's donation of Kraina formed part of the eventual group of properties, but the

87) "Anno 1233 aliquot pagos et ter mille mansorum apud urbem Uschek, citra et ultra Dobrizam" König Ms quoted in AA p 327 Note 292. Other König registrations are considered by Ledebur under 1238 (AA p 327 Note 293): - which seems also to relate to the Czarnków registration (see previous note), and (AA p 303 Note 229) for Drezdenko (Driessen). Cf Ledebur's comments (AA p 351 Note 301) which exclude the identification of Wieleni (Filehene) as another such site. For the registration of 1237 applying to Drawsko (Draheim) (AA p 324 Note 280) See Note 89. These datings may have influenced Lüpke's suggestion of 1238 as the date of donation for the Gniezno hospital; I am reluctant to develop the point further since I have not been permitted to consult the Ms. which may contain his arguments, leaving only the assertion in Untersuchungen to consider.

(88) AA p 335 Note 310 (1249) and p 304 Note 214 (1256) The terms of these donations, which both originated (cf Mroczek and Włosto's donations in Lubusz) under the sponsorship of comital families contain general formulations which can be read as conveying the status of overlordship. These general phrases are probably less attractive to aficionados of 'immunity' provisions and grants of 'German law', but it is probably unwise simply to disregard them. Przemysław's privilege of 9 November 1282 is known from its transcript by the bishop of Lubusz dated 12 November 1284. See above p 337

core donation in Wielkopolska may have been made as late as 1290.⁽⁸⁹⁾ In 1291 the Preceptor Bernard of Eberstein, describing himself as 'magister' in the Chwarszczany house published an agreement on tithe reached with Bishop John of Poznań to cover new properties created in the Czaplinek region.⁽⁹⁰⁾

It may, nonetheless, be premature to speak of a house or 'curia' of the Order at this point, since in 1295 the Templar representing the Wielkopolskan properties was, "fratre henrico de uelautitz".⁽⁹¹⁾ Only in 1303, at the provincial chapter, held in Lietzen for the first and only time an official in 'Tempelburg' was named: - "frater Nicolaus, magister in Tempelborch".⁽⁹²⁾

(89) 19 November 1290, PUB VI 4006 (previously published there and in Dithmar under 1286). Lüpke-Tempelburg produces arguments for the redating, which if accepted leads to the significant conclusion that Bogisław IV's donation of the 'waste' of Kraina predated it. This was made to the Temple in compensation for war-damage and was confirmed by Bishop Hermann of Kammin in 1288 (undated 1288, PUB VI 4009). See below, p 354 Note 116. The property abutted on the Czaplinek district, and their boundaries later marked the borders between the Poznań and Kammin bishoprics, and between the Kingdom of Poland and the Mark (Hoogeweg pp 863-4). Early possessions in the Drawsko (Draheim) region may be indicated by one of the König registrations (1237 - AA p 324 Note 280). Lüpke-Die Untersuchungen appears willing to ascribe the settlement of the region to the Templars during their twenty-year ownership. Hoogeweg writes on a similar theme: "Draheim .. nirgends als Besitzung der Templer genannt wird. Trotzdem kann es eine Neugründung des Ordens im Gebiete von Tempelburg sein, es war aber nie eine Kommende." Hoogeweg (loc cit.) The discipline of writing 'Siedlungsgeschichte' is clearly a harsh one.

(90) 13 November 1291, PUB 1596

(91) 23 April 1295, AA p 300 No 197

(92) 21 April 1303, PUB VI 4067 Lüpke-Untersuchungen lists the 'commanderies' of 'Kron' (Wałcz) and 'Grossdorf' (Wielkowieś) alongside that of Tempelburg (Czaplinek). He also describes Soldin (Myślibórz) similarly. These descriptions are anachronistic; they are also unhelpful in that they perpetuate a misleading impression of the character of Templar houses and of the Order's local representation.

The core of the Temple's Pomeranian possessions, subject after 1263 to the house in 'Roreke' was the land and town of Bahn, which was donated in 1234 as an adjunct to the Kostrzyń project.⁽⁹³⁾ Barnim complemented this donation with that of Nahausen in the Pyrzyce (Pyritz) district in 1244.⁽⁹⁴⁾ The boundaries on two sides of this property were specified in the act of donation as adjoining Bahn and Chojna (Königsberg in der Neumark) where there is also some later suggestion that the Temple owned the patronage of the church.⁽⁹⁵⁾

While Bahn was to some extent an established and settled territory⁽⁹⁶⁾, others among the donated properties were unsettled. It was not invariably the case, however, for the Order to undertake the practical task of colonisation. The act of Bishop Henry of Lubusz from 1243, specifying the bishop's residual tithe from the contiguous Lubusz properties of Lubno and Oborane, reveals that these had been located under German law by Count Wlosto before their transfer to the Order.⁽⁹⁷⁾ As with

(93) PUB 309 See above, p 331. Barnim's donation of Bahn was accompanied by a resignation of his claims in Kostrzyń. Bahn and Nahausen were clearly intended to form part of the dotation of the chapel and house in Chwarszczany, and were treated as such (see Note 100) before the events of 1259-61.

(94) (undated) 1244 PUB 427. Nahausen bordered "Bahn, Fiddichow, Königsberg, Rörchen". In 1252 a congregation of Szczecin nuns received 64 'mansi' in Fiddichow (Hoogeweg p 860)

(95) See below, p 353 Note 115

(96) See above, 331ff

(97) Riedel I (24) p 3 No 4 (1243) Knowledge of the text of the 1243 agreement on Lubno and Oborane, was made available through Riedel's publication of Beckmann's copy from the original. Wohlbrück and Ledebur only display awareness of Kehrberg's inaccurately dated registration.

Sulęcín, the work of plantation could well have been carried out (if it was carried out!) by a sponsor for the Order's benefit. It is equally worth noting the form of the donation in all the early donations of the phrase, "in subsidium terre Jhersolomitane". The context and manner of donation renders it extremely unlikely that the Temple's self-promotion at the courts of the Slav princes was posited on any claimed aptitude for organising colonisation activity.⁽⁹⁸⁾

The Temple's total holding in the region was specified in the papal bull obtained in 1247 as "de Quarsan, de chins, de baneu ..etc.." ⁽⁹⁹⁾Undoubtedly, at this date, all these interests were regarded as a part of the Chwarszczany property.⁽¹⁰⁰⁾ In 1259 the rule of the whole of Kostrzyń was conceded by Bolesław of Wielkopolska: the consequence of acceptance was the Order's total dispossession. In the sequel, Chwarszczany was restored and some parts at least of the Pomeranian holding were rescued for the new Roreke house.⁽¹⁰¹⁾

(98) The simple phrase "in subsidium terre sancte fratrumque milicie templi" occurs even in Barnim's act of 1236 (PUB 328), a trading privilege conferring freedom from tolls.

(99) PUB 455, Wohlbrück, p 117 (1247)

(100) The original subjection of the 'Roreke' properties to the Chwarszczany house can be shown from the 1247 bull. This conclusion, which is of the first importance, was appreciated by J. Spors, *op cit*, pp 119-20

(101) See above, p p 336-7 for the course of events. On the general question of the Temple's diplomacy in the context of the regional politics of the period, Spors's article appears to fight shy of drawing definite conclusions. The Lietzen possessions were not affected in the quarrels of these years: they would appear to have been protected under the Order's agreement with the archbishop of Magdeburg, 3 May 1253 (Wohlbrück p 180). The southern part of the Lubusz territory was not claimed by the margraves in these decades, - Bolesław of Wielkopolska resigned his claim to Magdeburg in 1249. (Spors, *loc cit*.) It is worth noting that it is possible to read accounts which assume the territorial and ecclesiastical incorporation of the Lubusz diocese in the Magdeburg archdiocese throughout its existence, a patent misconception which P. Umiński-Rywalizacja undertook to disprove at length.

A key to reconstruction of the Templars' diplomacy and their assessment of their situation in the years before this conflict can be found in a comparison of the bull of 1247 with two new bulls, one each for the Kammin and Lubusz dioceses, which the Temple procured in 1249.⁽¹⁰²⁾ This is the first mention of the Pomeranian bishopric in connection with the Order's regional holdings⁽¹⁰³⁾: in addition, shortly after this Bishop Hermann of Kammin began to issue transumpta for the Temple's Pomeranian possessions: the first in 1251 on tithe provisions⁽¹⁰⁴⁾, and the second from 1252-8 Barnim's act of donation of Bahn itself.⁽¹⁰⁵⁾ Other diplomatic activity of the same date produced the agreement of 1253 with the Magdeburg church, which helped to secure title to the Lietzen properties.⁽¹⁰⁶⁾ Finally, in 1258, Pope Alexander IV issued a bull confirming all the donations to the Order made by Odonic and Henry the Bearded, which anticipated the Order's acceptance of the donation of Kostrzyń from Prince Bolesław of Wielkopolska.⁽¹⁰⁷⁾

(102) 29 July 1249 (SUB II 378) for the donations of Henry the Bearded in Lubusz; 11 August 1249 (PUB 497) for all donations of tithes and properties in the Kammin diocese. The existence of the bull of 29 July 1249 was only made known through Lüpke's researches, even though it was an original act in the Berlin Hospitaller archive. Another bull with the same titulature (see below p 360 Note 141) was issued on 25 July, confirming all the Order's privileges; this was in Ehrhardt's possession, but is now lost. (SUB II 376)

(103) The later 'Roreke' holdings were all originally comprehended within the Lubusz diocese, cf Note 100. The bull of 1247 accepts this situation. The effect of the Kammin bull of 1249 is to question it, while reserving the Order's position in a new Lubusz bull. These matters had also been discussed between the two bishops: in 1235 Kammin recognised the right of Lubusz to the tithe from Cedynia (Zehden); however, in 1248 a judgement of the legate Albert of Prussia gave the tithe of Kostrzyń to Lubusz, that of Chinz to Kammin. (Heyden-Kirchengeschichte, p 80)

(104) PUB 548 (1251)

(105) PUB 584 (1252-8)

(106) 3 May 1253, Wohlbrück p 180. The Magdeburg claim was premised on a selective reading of Ottonian history.

(107) 26 September 1258, AA p 329 No 297

How effective were the Temple's diplomatic preparations? This depends on whether the actions just described can all be comprehended within a single priority of forearming against the advance of the margraves. If that was the case, then the policy was misguided, and it clearly miscarried. However, there are a number of indications that the Order's earlier perceptions of the situation did not take much account of the Brandenburgers. The rapprochement with the bishop of Kammin is more suggestive of a distancing from the bishopric of Lubusz, which exercised a rare combination of ecclesiastical and secular authority. It may be that the Templars at first genuinely believed that they could gain a more favourable situation in Kostryń under the margraves' rule, an expectation which in the event was disappointed.

The new house of Roreke, to some degree anticipated if not specifically planned for under the bull of 1249, was first indicated as such in 1261⁽¹⁰⁸⁾; in that year Bishop Hermann of Kammin made an agreement for the tithe-area of 'Doberan', presumably to aid the restoration of the Order's fortunes.⁽¹⁰⁹⁾ The provisions of this act are highly descriptive of the processes involved in the settlement of colonists, which may, however not have been achieved, for the property was not, apparently, held long.⁽¹¹⁰⁾ Two contemporary acts would appear to form part of

(108) Heyden (op cit. p 186) gives a date of c. 1248 for the foundation of the commandery, probably following Hoogeweg's account: "Der Ort Rörchen wird zuerst 1244 genannt (PUB 427)... 1248 ist er schon Sitz einer Komturei. 1248 ist B. Wilhelm von Kammin in Rörchen anwesend (PUB 484).. man könnte vermuten dass damals die Einweihung der Kapelle stattgefunden hat." (Hoogeweg p 859).

(109) 8 February 1261, PUB 696 (AA p 232 reports only Kehrberg's misdated registration of this act; Riedel has 'Boreke'). A similar reference from 1253 (See below, p 362 Note 149) is ambiguous. Frederick appeared in 1262 without a title. (ODBr I 124), but used the style of 'magister' in 1263 (PUB VI 3961).

(110) (Hoogeweg p 860, cf op cit. p 675)

a general settlement of boundary disputes. In the first, from 1263, Frederick as head of the Roreke house issued a document agreeing the boundaries of their respective properties in the Pyrzyce region with the Cistercian abbey of Belbuck.⁽¹¹¹⁾ In an act issued at Barnim's court in 1264, a property of the Temple in this district is mentioned in a separate agreement not directly involving the Order.¹¹² From this date there were persistent problems between the Templars' and margraves' two towns of Bahn and Schönfliess.⁽¹¹³⁾

The Templars were ultimately obliged to ally themselves with the margraves as the growing regional power; however the Order in consequence suffered loss at the hands of the Pomeranian dukes.⁽¹¹⁴⁾ The reward for gaining the trust of the margraves was the restoration of Sulęcín and the other properties of the Chwarszczany house which had been confiscated in 1259-62. There may also have been a reward from the margraves in Pomeranian territory for the change of allegiance in their grant of the

(111) PUB VI 3961 (1263)

(112) 27 May 1264, PUB 750 (AA p 319 No 260)

(113) The margraves Otto and Conrad settled a dispute between the two towns in 1296. 11 June 1296, PUB 1769.

(114) The treaty of 13 August 1284 between the margraves, Otto IV and Conrad I and the Szczecin-Pomeranian princes Bogisław IV and Wisław II contained the following codicil: "Furthermore Lord Buguzlaus undertakes to inflict no damage whatever on any of the men or properties of the house of the militia of the Temple in Rorik or of the brothers of the Hospital in Cupan or of the Cistercians in Colbaz or their ecclesiastical property (sanctimonialium) which exist in his lands and (the) towns of Stargard and Pyriz." PUB 1312 It is clear that the Templars were allied with the margraves at this date. Hoogeweg, p 857 quotes the opinion of Sommerfeld that the margraves made particular use of the Order for 'Germanising' purposes. This is simply fatuous. Again, (Hoogeweg, p 861): "Überhaupt erfreuten sich ja die Tempelherren der besonderen Gunst der Askanier die allerdings auch darin ihren Grund hatte, dass der Orden die Politik der Askanier gegen Polen unterstützen sollte." This in spite of the fact that it is barely possible to ascribe a single uncontested original donation of any of the margraves to the Temple.

churches in Chojna. (115)

The final addition to the Templars' possessions in the reduced Pomeranian principality came to the Order as compensation for war damage. This donation, of the waste property of Kraina, is known from Bishop Hermann's confirmation of 1288. (116) The continuing pursuit of compensation from the Pomeranian princes is revealed in a papal commission from 1291, whose outcome is unknown. (117)

Two acts issued by the Order's own officials from a later period reveal the extent of the Order's properties in Bahn and in the neighbouring districts. An act of the commander in Roreke, Jordan of Esbecke, from 1296 records an enfeoffment in one of the Bahn vills. (118) Further enfeoffments on demesne property and the ownership of proprietorial towns can be inferred from a list of the Order's servants at the chapter of 1303. (119)

The Order's regional presence was latterly marked by two features already noted in the case of the Hospital: the service of resident officials, and the entry of local families into the Order. While some of this membership, even in the highest rank was Slav, German members frequently came from families already settled in the region. (120)

(115) The donation, if it was a donation, was given in an act of the margraves Otto and Conrad of 1282 (preserved in a confirmation of the bishop of Kammin, dated 5 November 1304, PUB 2189). (116) PUB VI 4009.

See above pp 347-8

(117) 27 September 1291, PUB VI 4023. The Dean of Magdeburg was charged to investigate the complaint of the 'magistri' in "Lesnic" and "Roreke".

(118) 25 February 1296, PUB 1758. Cf p 333 Notes 17-19. The many name changes indicate extensive resettlement.

(119) 21 April 1303, given in Lietzen. PUB VI 4067 provides a detailed description of an enfeoffment in the Order's Roreke property of Liewenowe.

(120) The last preceptor 'Janusz' (Germanised in V. Hornmayr to Canussius). The Esbecke family (of the preceptor Jordan) were vassals of Bogisław .

Donations to the Temple in the remaining Polish principalities, although geographically remote from the Lubusz region probably originated in the context of the concerted bolstering of the Order and the bishopric of Lubusz by all the Piast princes.⁽¹²¹⁾ There is, however, no indication, in particular none in the record of the Order's provincial officials, that would permit the conclusion that 'houses' of the Order, of the kind which undeniably existed in Oleśnica, Lietzen and Chwarszczany, and at a later date in Roreke and Czaplinek, were intended in the remaining Polish territories. It is an absurd, albeit a frequent, practice to describe every named property of the Hospital and Temple as a 'commandery'.⁽¹²²⁾

Nor is it certain that the properties in Małopolska and Mazovia which are the subject of these fugitive references were intended, as was the case to a varying degree in Wielkiawieś and Daber, and of course in the groupings already named, to be the site of new settlement. It cannot be excluded that the Temple owned properties, as other large religious bodies did, remote from their normal sphere of influence and from their larger holdings.⁽¹²³⁾

(121) See above, p 334

(122) Lüpke-Untersuchungen 12ff describes three properties as 'commanderies' with little apparent justification, Cf Notes 92 and 152

(123) Lüpke-Untersuchungen, loc. cit., generally characterises property not capable of association with a house or 'commandery' as 'Streubesitz'; although the context of benefaction and subsequent ownership can in most cases be supplied. The chapter heading "Besitzungen in den Diözesen Plock und Krakau" contains no clue to what differentiation was intended in the eventual work.

There is a single donation to the Temple by a Mazovian prince, that made by Bolesław in 1239, but this is not a certain indication by any means that property was held in Mazovia or the Płock diocese.(124)

This donation, however, marks the starting-point of W. Kuhn's discussion of plans to involve the Temple in a frontier role on the Małopolskan frontier. A papal letter from 1257 to the archbishop of Gniezno and bishop of Kraków describes this abortive scheme, which aimed at nothing less than the creation of a new bishopric in association with the prince of Małopolska.(125) The association of new bishop and military order is recognisably modelled on the arrangements made between bishops and local or 'national' military orders elsewhere(126) and in Poland for the orders of Calatrava and Dobrzyń.(127) It was under such an

(124) 1 October 1239, AA p 334 Note 307. Ulanowski published several of the acts first made available in AA in DKM, but this is the only one relating to a possible Mazovian site. Kuhn-Ritterorden als Grenzhüter, p 43 Notes 97 and 98 records identifications which have been proffered, but further remarks that these were "nicht an der Heidengrenze", and that the grant was "not yet" connected with the defence of the land, which in a way is no more than the truth.

(125) The letter of Alexander IV to the archbishop of Gniezno and the bishop of Kraków dated 1 February 1257, Preuss. Ub I (2) No 4, cf Kuhn, op. cit. p 49 Notes 119-121, Schüpferling-Die Tempelherren p 159. Kuhn op cit, pp 42-52, is informative on the background of curial and regional politics which gave rise to the project and its association with the ambitions and brief crusading commission of Bartholomew of Prague ("von dem wir nur die Herkunft aus Prag, nicht die völkische Zugehörigkeit kennen"). His account also supplies the explanation of why it was not implemented.

(126) Kuhn op cit. p 50 makes this judgement, which is surely correct. On the date of introduction, Kuhn, op cit. p 49 Note 121 says that the date of 1250 in some accounts is "ohne Quellenbelege und wahrscheinlich nur in von 1257 rückwärtsgreifender Schätzung", but the source is surely the following entry in the König manuscript in the Sonnenburg archive: "Anno 1250 Templarii acceperunt multas arces apud fluvium Bug in Polonia." (AA p 335 Note 308)

(127) XH Nowak-Der Orden zu Dobrin p 344 places the introduction of the two 'national' orders of Calatrava and Dobrzyń in 1228. G. Labuda-Najstarsze dokumenty p 133 previously established 1229-33 for the document first mentioning the brothers of Calatrava in 'Thymaua', thus correcting R. Frydrychowicz's opinion that they were introduced in 1198.

arrangement that the Teutonic Knights were introduced to Prussia. (128)

Although the Łuków project came to nothing, it seems probable that residual possessions, - most probably castellany revenues rather than fortresses, - were still held in the Kraków diocese at the time of the Temple's suppression. (129)

This episode, although instructive, can hardly be held to have been typical of the Temple's experience: and to offer a description of the role of the Hospital and Temple in Eastern Europe, in which only this interlude is extensively discussed is surely misleading, for there was no question of their holding a boundary against eastern heathens: that is unless the power of Brandenburg is intended under such a description. (130)

(128) K. Górski-Parństwo krzyżackie establishes the necessary perspective on the tripartite relationship of bishop, abbot and order, which is also adumbrated in Benninghoven's account of the Sword-Brothers in Livonia.

(129) This is indicated by the inclusion of the bishop of Kraków among the addressees of papal bulls following the suppression of the Temple, and perhaps more firmly by the title of the recipient of King Adolf's privilege of 1295, Bernard of Everstein, "preceptor et fratribus militiae templi in partibus Polonie. Pomeranie. Cassubie. Cracovie et Slauie constituti" (AA p 329 Note 298) Schüpferling, op cit. p 160 Note 2, quoting a work by Schnürer, says that this formula was also used in papal confirmations; however these are unspecified and the most usual description of the eastern Templar province was 'Alemannia and Slavia'. There was a particular difficulty in effecting the transfer of former Templar property to the Hospital in Małopolska, in that the Hospitaller house of Zagość was itself about to be suppressed.

(130) Kuhn, op cit pp 42-3 gives a description of the Temple's eastern province which is brief, misleading and wholly consistent with his obsessions. "Vor allem zur Sicherung dünn besiedelter und politisch strittiger Grenzgebiete wurden die Templer mit Vorliebe berufen." This is symptomatic; indeed it would be charitable to describe the terms of his discussion as loaded with questionable assumptions. To give a further example: in establishing premises for discussion of 'frontier activities' by the Military Orders, Kuhn allows himself the following observation: "...waren soweit uns eine Nachprüfung möglich ist, die beteiligten Ritter selbst mit einer einzigen Ausnahme Deutsche. Das liegt daran, dass die Idee der Ritterorden, die dem einzelnen eine so schwere Bürde an Lebensentsagung und Pflichten auferlegte, bei Polen und Madjaren niemals Fuss gefasst hat." (op cit. p 8) It is hoped that the discussion in the preceding pages of this work may stand in refutation of this judgement.

The original donations made to the Temple in the Slav principalities are most likely to have been solicited by officials of the Order based in eastern Germany, probably in the senior Saxon house of Halberstadt. Travelling officials played an important part in the early administration of the Order's possessions; at a later stage the earlier traditions of seniority were perpetuated in the emerging provincial hierarchy as houses were built and came to be represented by resident officials. That such traditions overrode national boundaries is also apparent in the case of western Germany where a number of houses were included within the Order's French provinces.⁽¹³¹⁾

Since peripatetic officials were still travelling on the business of the Order in Hungary and Eastern Europe in 1241, it seems beyond question that the number of resident Templars on the Order's properties was very small at that date⁽¹³²⁾: their elevation into a massed force rallied in the defence of Christendom at Legnica is a ludicrous misinterpretation of the Order's actual situation and role.⁽¹³³⁾

(131) See above, 46ff especially Notes 33/4. The house of Supplingenburg also possessed administrative importance and was of sufficient importance for the Hospital to resite one of their own houses when they acquired it.

(132) That numbers were small is confirmed by the examples from France at the date of suppression given in Barber-The Trial of the Templars.

(133) In a letter which I received in 1981, Professor Karól Górski suggested that I should consider how many Templars could have been present at Legnica. L. Petry and H. Aubin have presented '1241' as Silesia's '1066': and, in as far as 'general knowledge' of the subject of this study exists, these views, like the concept of "Drang nach Osten" (which has been excised from Duden), are accepted, ineradicable, and liable to resurface on odd occasions. The BBC has not only reenacted in a tableau the participation of the "Holy Orders" at Legnica, but has also presented the "Siedlungsgeschichte" interpretation of the Hamelin rats as the solution of a historical mystery. I would it were so.

As with the Hospital, early donations were made without designation of houses or officials: all early acts were addressed simply to the Temple, described as "milicia templi" and recorded gifts "in subsidium terre sancte".⁽¹³⁴⁾ The necessity to have officials in place to conduct business was also reduced through the use of intermediaries.¹³⁵⁾

Bishop Henry of Kammin's confirmation of the tithe-area in 'Schiedlow' in 1241 was apparently made "ad instantiam Magistri Gebehardi militiae Templi Praeceptoris."⁽¹³⁶⁾ Although Gebhard is assigned no regional title in his documentary appearances, it is most likely at this early date that he was an official based in the Order's Saxon seat. The agreement on the bishop's tithe from Count Mroczko of Pogarell's donation of Sulęcín in 1244 also contains a similar title for Gebhard, but in this case names four other Templar witnesses: "Fratres de templo Johannes Polonus, Johannes Balke, Jansunus, Martinus"⁽¹³⁷⁾, who were more likely to have been peripatetic officials under the commission of the preceptor than resident officials.

This last conclusion can be supported by evidence from the same year of the activity of another Templar, Hermann, who can be shown to have been the sole senior local representative at this time. In 1244 he witnessed Barnim's grant of Nahausen

(134) This phrase occurs on its own in all acts before 1241, and then continued to be used in combination with specific titles.

(135) 1234, in Stargard. PUB 308

(136) SUB II 225

(137) Wohlbrück, p 70

as "Hermannus, Sacerdos et Capellanus Templi".⁽¹³⁸⁾ In a second act from 1244, establishing the Templar prebend from tithe owed to the house in Lietzen his seniority and the fact of his residence appear to be specifically indicated.⁽¹³⁹⁾

The superior province represented by Gebhard at this date was loosely conceived. The addresses employed in the three papal bulls of 1247-9 help to make the point, and two of them are sufficiently close in date to exclude the possibility that any reorganisation is concealed in their variations: the bull of 1247 is addressed "praeceptori et fratribus domus milicie templi in alemannia"⁽¹⁴⁰⁾; those dated 25 and 29 July 1249 both, "magistro et fratribus militie templi in Alamannia et Polonia"⁽¹⁴¹⁾, and that of 2 August 1249, "preceptori et fratribus militie templi in Alamannia et Sclavia".⁽¹⁴²⁾

The arrangement of Templar witnesses to the agreement on tithe residues for the Poznań diocese, issued by Bishop Boguphal of Poznań in 1251 gives the first indication of a local hierarchy:

" - - Magistro Jhoanne summo preceptore milicie templi per teutonium per Boemiam per morauiam et per Poloniam constituto, et fratribus eius, videlicet, Magistro Hermanno de Olesnicz, fratre Johanne de Quarchan, fratre Tydero, fratre Brunone, fratre Alberto, fratre Henrico, fratre Lamberto, mediantibus magistro Milone et dno Hermanno canonico Lubucensi"⁽¹⁴³⁾

John's title of 'summus preceptor' may have been a visiting title analagous to that already noted in the case of the Hospital; if so the regional head of part at least of the eastern

(138) PUB 427 (1244) (139) Wohlbrück pp 70-2 (1244)
 "...Conradus et Conradus. Canonici. Hermannus Templarior. Canonicus. Heinricus sacerdos et frater templi." Hermann, the Templar representative was therefore the first occupant of the Templar prebend in the Lubusz church.

(140) PUB 455 (141) SUB II 376 and 378 (142) PUB 497 For the significance of these bulls see above, p 351 (143) Wohlbrück p 38

province was the 'magister' Hermann in Oleśnica, possibly the same Hermann who exercised the local headship in 1244. Of the remaining brothers, John is specifically indicated here as the representative of the Chwarszczany house, while three of the remaining brothers, whose names recur, probably had local responsibilities, and may well have been resident officials.(144)

The next description of the provincial hierarchy occurred in the agreement concluded with the archbishop of Magdeburg in 1253:

"Fratres militie templi, Magr. Heinricus, fr. Johannes de Zopolowe, fr. Tiderus, fr. Widekinus, fr. Sifridus de Anvorde, fr. Gerardus de Rene, Heinricus de Richowe. Aduocatus in Lubus. Ericus de Borck."(145)

From this it can be seen that Henry had replaced Hermann as 'magister' by 1253. Siegfried and John were still provincial officials in 1261, when a further listing in an act of Bishop Hermann of Kammin reveals that Siegfried had replaced John in Chwarszczany:

"frater Johannes de Zopolow, frater Sifridus de qverzan, frater Fridericus de Roreke."(146)

John's seniority in this listing suggests that he had succeeded Henry as the provincial senior by 1261. However, he did not witness in the act of 1262, which is effectively a treaty with the margraves of Brandenburg, although a gap in the published version may originally have been filled by his name. The listing on that occasion is as follows:

(144) Bruno in SR 1030 (1260), Henry and Tiderus in 1253 (Wohlbrück p 180, the agreement with the archbishop of Magdeburg)

(145) Wohlbrück p 180

(146) PUB 696 (1261)

"presentibus Domino Jordano nostri ordinis,(blank), fratre Sifrido de Anvord, fratre Frederiko de Soltwedel, fratre Henrico de Esebeke, fratre Gerkino provisoro domus in Leznize."(147)

The subordination of the local head of the Slav province to the eastern preceptor is again indicated by the seniority of the preceptor 'Widekinus' in 1253 and of Jordan in 1262. The practice of assigning one of the houses 'in absentia' to the 'preceptor' may be indicated by the inferior status of the 'provisor' of the Lizenize house, 'Gerkinus' in 1262.(148)

Comparison of the 1253 and 1262 acts also provides information on the provenance of the Templars in the provincial hierarchy: Siegfried in Chwarszcany (1261) was the same as "fratre Sifrido de Anvord" (1253 / 1261), while Frederick in Roreke (1261) was probably the same "fratre Frederico de Soltwedel" in 1262.(149) A Templar in the 1262 listing, who was not the designated head of a house, was "Henric(us) de Esebeke" and so the member of a family whose local Pomeranian connections are known. John's name is suggestive of Slav provenance.(150)

It is notable that so far the title of 'commander' has not yet been encountered: the first titles denoting rank all employed the style of 'magister'. Frederick of Roreke issued a document for the Roreke house on his own account in 1263, styling himself: "frater Fredericus, ordinis milicie templi ac magister

(147) CDBr I 124

(148) *ibid.*

(149) Riedel I 29 p 4 no 4, who originally published PUB 696 from Beckmann's Ms, gave the name as 'Boreke', which recalls Ericus de Borck in 1253. If the identification and correction could also be made for 1253, this would obviously have implications for the date of foundation of the Roreke house. However, Eric in 1253 does not appear to be grouped among the Templar witnesses.

(150) John's name has generated a great deal of misleading speculation. It is obviously a personal name and not Czaplinek.

domus in Roreke".⁽¹⁵¹⁾ The style of 'commendator' was first used as late as 1285, in an act of Bishop Hermann of Kammin.⁽¹⁵²⁾

An act of the preceptor in Alemannia and Slavia, Frederick (dictus Silvester from 1288 suggests in its listing of local representatives that the style of 'commander' had become the approved one at that date, but also that it was considered appropriate to indicate the seniority of the head of the local province by a separate title, thus:

"dominus Johannes capellanus domus milicie templi in olesniz et frater Jordanus dictus de Esbeke, comendator in lizeniz prefate domus milicie templi per alemanniam et slaviam uice preceptor et H. dictus barvus comendator in olesniz, fr. Vunke, frater Th. antiquus celerarius et frater albertus dictus de supplingheborch."⁽¹⁵³⁾

After Frederick's appearance in the preceptor's title with Jordan of Esebeke as his designated vicepreceptor in 1288, it is slightly surprising to find Bernard, - the representative of the Roreke house in 1285, - also styling himself in 1291:

"nos frater Bernardus dictus de Cunstein (Everstein?) humilis preceptor domorum milicie templi per Poloniam, Sclaviam, Novam Terram et magister curie Quarczanis..."⁽¹⁵⁴⁾

The papal commission of Nicholas IV from 1291 indicates, however, that there were two holders of this office.⁽¹⁵⁵⁾

⁽¹⁵¹⁾ PUB VI 3961 The editors of Volume VI of Pommersches Urkundenbuch nonetheless summarise this act: "Der Templer-Komtur...etc."

⁽¹⁵²⁾ 25 August 1285, PUB 1352. This act was witnessed by two members of a new generation of local officials, thus: "frater Heinricus, Comendator domus de Quarzan, frater Bernardus in Rorek, et frater heinricus presbiter ibidem."⁽¹⁵³⁾ 30 June 1288 (unpublished) AMR 742 (Stenzel loc cit./ von Hormayr loc cit.) I have corrected 'Parvus' in v. Hormayr's publication of parts of this document to 'barvus'

⁽¹⁵⁴⁾ 13 November 1291, PUB 1596. This title with Poland at the head of the list of provinces may have been a courtesy required by the fact that the document in question was issued in Wielkopolska for the Czaplinek property. ⁽¹⁵⁵⁾ 27 September 1291, PUB VI 4023 has "Iordanum de Esebeke, in Lesnic, et Bernardum de Everstem, in Rorekem domorum eiusdem militie commendatores, procuratores dictorum preceptoris et fratrum." The preceptor is unnamed, but was Frederick (Wildengraf) Silvester in 1289 and 1292.

In 1296 Jordan of Esebeke's title had reverted to simply that of commander of Roreke.⁽¹⁵⁶⁾ The Templar Bertram, who issued an act for the Oleśnica house in 1294, is more likely to have been Frederick's successor, than the member of the provincial hierarchy of the same name who is encountered slightly later.⁽¹⁵⁷⁾ The provincial hierarchy was fully described for the last time in a document issued at the provincial chapter in Lietzen in 1303.⁽¹⁵⁸⁾ The preceptor for the province of Alemannia and Slavia was then Frederick of Alvensleben.⁽¹⁵⁹⁾

A conversion of local responsibility into high-ranking office, already seen in the case of the Hospital, may account for the titles and the activity of the two vice-preceptors in 1291. Finally, in 1308, a local provincial official used the title of preceptor in his own right, styling himself: "Janussius, ordinis milicie Templi Preceptor humilis et Magister curie Olesnicz ."⁽¹⁶⁰⁾ Whether Janussius had managed, as local Hospitallers had, finally to combine the provincial title with his local office, whether he was indeed Frederick of Alvensleben's successor in the prioral title, or whether both were the case, is not known.

(156) 25 February 1296, PUB 1758

(157) 6 May 1294, SR 2316. Bertram is described simply as "Komtur" in Grünhagen's registration. However in a charter of the same year from Moravia his style was: "Berchramus dictus de Czwiek, Domorum militie Templi per Alemaniam, Schlaviam, Boemiam et Moraviam humilis preceptor." (von Hórmayr, loc cit.) There was a separate magister's title for Bohemia and Moravia in 1297 (ibid.).

(158) 21 April 1303, PUB VI 4067, as follows: "...frater Arnoldus de Koningesberch capellanus domus templi, frater Iordanus, magister in Roreke, frater Nicolaus, magister in Tempelborch, frater Bertram de Velthim, magister curie in Lizenizze, frater Iohannes de Malchin, frater Henricus de Bollanden..."

(159) V. Hórmayr, loc cit. (1308).

(160) 9 September 1308, (unpublished) AMR 744 (SR 3011) 2 chaplains (one belonging to the house of Oleśnica, and one Janussius's own) and 6 brothers, including a 'magister' also witness this act.

(8) The Transfer of Templar Property to the Hospital

The transfer of Templar properties, following the Order's suppression, to the Hospital was attended by difficulties directly attributable to papal policy, which was impractical and ill-conceived at every stage: in first demanding that property should be handed over to its own designated 'conservators' the papacy ensured that its later instructions for a direct transfer to the Order of St. John were obeyed, if at all, with an ill-grace.⁽¹⁶¹⁾ Where property was recovered, it was the local standing of the Hospital's officials which determined the level of success. The recovery of Templar houses and their reconstitution as Hospitaller 'commanderies' became a particular objective of officials in the provincial hierarchies of Silesia and Pomerania within the two new priorates of Bohemia and Brandenburg.

(161) The most direct information on papal policy is available for the Kammin diocese. The papal instruction ordering the transfer of Templar property to the Order of St. John was the bull of 2 May 1312, which was sent to the archbishop of Gniezno and bishops of Kammin and Poznań (PUB V 2722 / KDMP II 954); but this was evidently ineffective. A damaging precedent for drawing incomes from the properties was set by the provisions made for pensions for former Templars and on 1 December 1318, Pope John XXII ordered an investigation of the practice in the Kammin diocese, further ordering that the Hospitallers should be allowed to make responsions from the Templar properties. (PUB V 3224, quoted in Hoogeweg p 868). Needless to say, this situation is not consistent with an effective transfer having taken place. An earlier letter of 30 June 1318, instructing the archbishop of Magdeburg and bishop of Kammin to enforce the return of alienated Templar goods to the Hospitallers (PUB V 3200), reinforces the impression of hopelessness. The next stage was the appointment of 'Conservators' for the Hospital. On 19 October 1319, John XXII issued two commissions: in one appointing the bishop of Kammin, the abbot of Henryków and the provost of Holy Cross in Wrocław; in the other the bishops of Kammin and Havelberg and the dean of Holy Cross in Hildesheim, to this function; and so indicates that the papacy's attention was focussed on the properties in Silesia and the Mark. (PUB VI 4124) The papal instructions were literally dead letters, only useful in so far as the Hospitallers could find applications for them in existing negotiations. See, for example, Note 164.

It is simplest to consider the situation in Poland first of all: here there was a total failure to effect the transfer of Templar properties, notwithstanding papal letters to the archbishop of Gniezno and bishops of Poznań and Kraków, and the appointment of 'conservators'. The reasons for this will be readily apparent: the Zagość, Zblęcz and Niemojewo properties were the subject of an order of sequestration from 1321. The Polish province of the Hospital as a definable entity had ceased to exist, and the Poznań house, as has been indicated in a previous chapter, from this date existed as an outpost of the Bohemian priorate.⁽¹⁶²⁾

The Silesian experience, by contrast, might credibly be represented as optimal. Here, in 1314, Conrad Gracz held the title "commendator seu preceptor curie quondam templariorum in Olsna situ prope Olaviam civitatem", and conducted business in respect of the Order's property.⁽¹⁶³⁾ This suggests a local occupancy designed to preserve the interests of the defunct order. Subsequently, too, the court of the bishop of Wrocław was prepared to issue judgements defending Hospitaller rights in former Templar property. The first Hospitaller commander in Oleśnica, Kitthel of Kitlitz was energetic on the house's behalf and his family connexions suited him admirably for his task. The Hospitallers of the Silesian hierarchy were frequently eminent members of the Bohemian priorate with access to Silesia's Czech overlords. Even so, several of the property interests of the

(162) The Polish priorate, which had certainly existed within the Bohemian province, vanished from sight: indeed Delaville le Roulx wrote in the Introduction to CG that the project of creating a Polish priorate was never realised.

(163) Stenzel p 124 / Heyne p 284

Oleśnica house were lost before its transfer to the Hospital and others needed to be recovered through purchase. (164)

The seizure of Templar property in the Mark by the margraves of Brandenburg was prompt and total. The bishop of Lubusz experienced difficulty in obtaining the property of Werbig which he had bought from the Order before its suppression. (165) In December 1311 the margraves made a tithe-agreement in their own right for the Czaplinek properties with the bishop of Poznań. (166) The Hospitallers cannot initially have been sanguine about their prospects of getting the margraves to disgorge: they felt sufficiently insecure in the grant of the church in Choszczno from 1309 to seek a papal confirmation for it in 1312. (167)

In 1318, however, representatives of the Hospital's regional hierarchy of the eastern German province were able to obtain an agreement with the margraves under which they nominally received the return of the town of Sulęcín but were obliged to offer it to their overlords as a pledge for a loan of 1200 marks. (168) The actual return appears to have occurred only in

(164) See above, Section 3. Kitthel was first mentioned as commander in an act of 6 February 1321 (unpublished) AMR 747. Success in recovering properties in the Swidnica district (cf above p 341 Note 59) may account for the lodging of a papal letter in the Złotoryja holding of AMR (AMR 231). It may have been lodged there following its use to obtain a specific property. The document itself is a notarial copy of the appointment of the abbots of Aula Regia and Brunovia as 'conservators' for the Hospital, which is unpublished and unregistered in SR.

(165) The bishop's title to Werbig was recognised in an act of 7 February 1311, ODBr IV 573. The Temple had also sold Zicher in 1305 (Wohlbrück p 632) and these sales are indicative of the financial pressures of the last years of the Order's existence.

(166) 27 December 1311, PUB 2696

(167) The donation of the patronage in Choszczno in 1309 (CG 4851) was made to Ulrich Schwabe. The papal confirmation of 3 July 1312 is quoted in AA.

(168) 29 January 1318, Riedel I (19) p 128 No 8 (PUB 3166)

1350 when the Herrenmeister Hermann of Werberg received it.⁽¹⁶⁹⁾ In the interim the Order was driven to the desperate expedient of soliciting an instrument of donation from the Silesian prince of Glogów, an expedient which suggests an early creative use of the inherited Templar archive.⁽¹⁷⁰⁾ The Hospital's negotiating officials in 1318 were Paul of Modena, Ulrich Schwabe, Gebhard von Bortfelde and George von Kerckow.⁽¹⁷¹⁾ The good relations that undoubtedly existed between Ulrich and Gebhard and the rulers of the Mark were clearly insufficient to achieve the full restoration at which the Hospitallers aimed. Thus, the attribution to Gebhard of the style of commander in Tempelburg (Czaplinek) in a papal

(169) "Erst am Ende des Jahres 1350 kam diese Stadt durch einen von den beiden Markgrafen, Ludewig und Ludewig dem Römer, mit dem Heermeister (sic) Hermann von Werberg geschlossenen, seinem Inhalte nach noch unbekannten, Vergleich für immer an den Johanniter-Orden." (Wohlbrück p 594, cf the cautious restatement in AA p 306 Note 220). Acts issued by Margrave Ludwig for Hermann of Werberg from 10 February 1351 (for Chwarszczany, *Oelrichs-Beiträge* pp 162-4 No 31), and 15 August 1352 (confirming the churches in Chojna, AA p 308 Note 225 from Kehrberg) are known. Wohlbrück is generally too accurate for an imputation of confusion to be made, so there may have been a third act covering the final restoration of Sulęcín.

(170) 21 February 1322, Riedel I (19) p 129 No 9. Gebhard von Bortfelde, here with the title "de ordine Hospitalis Sancti Joannis Jerosolimitani, per Pomeraniam, Thuringiam, Marchiam, Slaviam ejusdem Ordinis Vice Magist(er)" paid Prince Henry an unspecified sum to obtain this confirmation. The rationale of its solicitation was surely the references to Henry the Bearded in extant Templar titles as an original benefactor (although the donor of Sulęcín itself had of course been Count Mroczko).

(171) "Bruder Paulus von Mutyna, de Commendur iss tu Erford vn tu Copstede, vn en Statholder Bruder Leonardus von Tybertis, de en Visitor iss dess Hospitals Synte Johannis van Jerusalem, in allen Landen vppe dese sit des Meeres in Dudschem Lande, Bemen, Denemarcken, Sweden vn Norwegen .. siner Broder der Commendur, de hierna screven stan, Bruder Ulrich des Swaues tu Gardowe vn tu Nemerowe, Bruder Gewert van Bortvelde tu Brunswik vn tu Goslar und Bruder Georgius van Kercow tu Zachan." (PUB 3166) See above, Chapter 5 Section 6, especially p 326 Note 92. The distribution of titles between the three Hospitalers indicates seniority rather than a particular local function. This is Ulrich's last appearance. Gebhard's later promiscuous use of styles is not straightforward but its underlying logic is not ineluctable: for example the use in 1320 of the titles of Zachan and of Tempelburg was intended in both cases simply to specify elements of the larger provincial title which he claimed. George later used the title of commander of Nemerow.

instruction from 1320 probably indicates the hope rather than the fact of its recovery. (172)

The further interest of the agreement of 1318 lies in the promise of protection which is contained in its preamble for the Hospital in its own and in the former Templar goods. This statement of benevolent intent could also be taken to imply that the recognised Templar houses were indeed made over to the Hospital at this point. However, the transfer of the four houses of Roreke, Lietzen, Chwarszczany and Czaplinek was not recorded in any formal agreement and can only be inferred, - with caution, - in the first three cases from the appearance of Hospitallers with the title of commander in these houses.

John of Sandow was named as commander in Lietzen in 1321. (173) The situation of the Lietzen house is likely to have been the most simple to resolve since it lay outside the margraves' direct political authority.

The fact that in Szczecin-Pomerania the local princes remained liable to oppose the Hospital's ambitions is possibly recalled by the nomenclature in an act from 1334 (174), which may

(172) 16 December 1320, PUB 3426, refers to the preceptors Paul of Modena in Saxony and Gebhard von Bortfelde in Tempelburg. On 29 September 1321 Gebhard as commander in Braunschweig, and describing himself as Paul's deputy, concluded the important agreement with Prince Otto for the transfer of the Supplingenburg goods. Pflugk-Harttung-Die Anfänge, Anhang No. 11

(173) Wohlbrück p 592

(174) 6 July 1334, PUB VIII 5176. "in discretorum virorum testium infrascriptorum et mei publici notarii subscripti presenciam constituti honorabiles viri domini Henninghus de Buyt commendator (,) Iohannes de Stetin prior in Roreke (,) fratres ordinis sancti Iohannis Iherosolimitani (,) requisiverunt me (,) ut quandam litteram infrascriptam inspicerem, transcriberem, copiare.. etc." An adjustment of punctuation (given here as in PUB), admittedly against the apparent, indeed seemingly self-evident, sense of the act may be required. (ctd.)

even indicate that the dependencies of the Roreke house had not yet been completely transferred. The purpose of the act of 1334 was to obtain a transumpt of the margraves' instrument of donation of the church in Chojna from 1282; consequently, this transaction could well have marked the prelude to the actual transfer of this, and possibly of all interests of the former Roreke house to the Hospital.⁽¹⁷⁵⁾ Gebhard von Bortfelde, the Herrenmeister, described the Chojna church as "Ecclesiam ad Domum nostram Röricke pertinentem" in 1335⁽¹⁷⁶⁾ which would suggest that the transfer in both cases had proceeded; even so a further confirmation of the Hospitallers' right of patronage in Chojna needed to be issued in 1352.⁽¹⁷⁷⁾

(174, ctd.) The title of 'prior' as a Hospitaller office in such a context is unusual. The prior of the Szczecin foundation had, however, been assigned interests in the Hospital's Zachan estates during the earlier quarrel with the Pomeranian prince. (See above p 278 Note 54). Nor is Henning explicitly described as commander in Roreke. This may be nitpicking. The context of issue of the act was quite conceivably that of an occasion where nits were picked.

(175) Hoogeweg op cit. p 897 gives Henning (1334) as the first commander in Roreke and the date of his death as 1344. Gerhard of Eltze, his successor is known only from the listing of the hierarchy in 1345 (AA p 243)

(176) 2 April 1335 (In Nemerow) PUB VIII 5260. Gebhard, with the title "preceptor generalis .. per Saxoniam Marchiam et Slaviam made provision for the altar of St. Catharine in the Chojna church, which had previously been endowed by two families (possibly also by that of Wartenberg). This entailed replacing revenues from the the town of Bahn, which the inhabitants were no longer willing to pay, with other revenues including rents purchased on the Chwarszczany estate. The provincial hierarchy of 1334 appears in the witness-list: "(unnamed) domus de Quarczan, fratris Johannis de Buk in Rorike et fratris Adolphi de Svalenberch (later commander in Skarszewy and Nemerow) in Myrow et fratris Hinrici Paris in Łezna commendatorum." The witness-list was headed by "Johannes de Wardenberghe ordinis milicie templi quondam predictus" This may be compared with the confirmation by Margrave Ludwig in 1351 of John of Wartenberg's provision for an altar of St. Catharine in the 'capella' at Chwarszczany (Gelrichs-Beiträge 31). It may well be that the situation of the Hospital in Chojna had worsened by the latter date as a result of a long-running feud which developed with the inhabitants, allied with the family of von Wedel (Hoogeweg p 897). Giso von Wartenberg was commander in Roreke in 1361 (Hoogeweg, p 898) The family's connections in Gdańsk-Pomerania have previously been described.

(177) Kehrberg (1) p 52 Section X / 4 (AA p 308 No 225)

The Hospitallers also recovered, at least nominally, the town of Bahn, but the obstacles to its peaceful possession, which had already been apparent under the Templars' ownership, were still present⁽¹⁷⁸⁾, and eventually it was sold to Prince Barnim III.⁽¹⁷⁹⁾ The Roreke house, which had the supervision of these interests was finally resited in Wildenbruch, a decision influenced by persistent difficulties in its existing site.⁽¹⁸⁰⁾

Two listings of the Hospital's provincial hierarchy as it approached a settled form offer an instructive comparison. The first appears in the act under which Hermann of Werberg made over the town of Bahn to Barnim III, and is as follows:

" Wy Bruder Hermann von Werberghe, eyn gemeyne Beyder in Sassen, in der Marke, in Wendelande und in Pomeran des Ordens sunte Johannis des heyiligen Huses des Hospitalis tu Jherusalem, Bruder Ghert von Eltze Commendure tu Rorick, Bruder Jan von Neyndorff Commendure tu Zochghan, Bruder Borchart von Saldern Commendure tu Quartzen, Bruder Otto von Steyndel Commendure tu Myrow, Bruder Ulrich von Konyghesmarke Commendure tu der Leyzen und die Gheimeyne Convent der versprochen Huse..etc." ⁽¹⁸¹⁾

These commanders, with the exception of the representative of Mirow, whose particular official function can be readily explained, were those responsible for former Templar properties.

(178) According to Hoogeweg (op cit. p 879) Bahn was listed among the duke's towns in a papal letter from 1331. He further suggests that its transfer in 1332 to the Hospital can be inferred from the fact that the Master complained in that year that the inhabitants had broken their oath of allegiance; but it is surely arguable that precisely the opposite inference could be drawn. On the same day as the sale of the town to the duke in 1345, Barnim ordered the inhabitants to swear an oath of allegiance and pay 50 marks in back rents.

(179) 13 January 1345, AA I pp 242-4, AA XVI p 321 Notes 266/7

(180) The last commander in Roreke was Wilhelm Holste (1376, Hoogeweg, op cit. p 898); the first in Wildenbruch, from 1383, was Henning of Guntersberg who combined the title with that of Zachan (op cit. p 902). Dithmar, p 39, quoted in AA I loc cit. Note 21, placed the transfer in 1382.

(181) AA I pp 242-4

The earlier listing of the provincial hierarchy in Gebhard von Bortfelde's act of 1334 for the Roreke house in fact sufficiently establishes that the transfer of the houses which had been established by the Templars, Chwarszczany, Lietzen and Roreke had occurred, although the effective transfer in the last of these cases was probably closer to 1334 than to 1318.

There are two notable omissions from the listing of 1345, Lagow and Czaplinek, whose properties were situated on the border between the Kingdom of Poland and the Mark. Czaplinek had been constituted as a house, ruled by a 'magister' before the Temple's suppression, but the properties of the house in Lagow were only so organised by the Hospital.

Although Gebhard von Bortfelde employed the style of commander in 'Tempelburg' (Czaplinek) on two occasions, in 1320⁽¹⁸²⁾ and 1347, it is likely that the earlier use was a means of registering a claim to the border properties and did not imply their possession. The instrument of transfer or donation was issued comparatively late, in 1345 by Margrave Ludwig.⁽¹⁸³⁾ Even then, the act of 1347 in itself does not indicate possession with

(182) 16 December 1320, PUB 3426

(183) 10 September 1345 KDWP 1246. There are grounds for doubting the effectiveness of this donation. The sale of half the property in 1334 indicates that the margraves had got into the habit of regarding it as entirely at their disposal. In 1354 Ludwig commended the Order for allowing him the use of the castle in his recent wars, and in 1364 it was offered among properties pledged to Charles IV. In 1368 the overlordship of Czaplinek and Drawsko (Draheim) was transferred in a treaty to King Kazimierz of Poland in exchange for the property of Recz. The conflicts concluded at this point included a private war between the Hospitallers of Czaplinek and Barnim of Pomerania, which caused the Order to lose revenue from its Pomeranian churches. (Hoogeweg, *op cit.* p 896 and pp 876-7 for the Pomeranian quarrel concluded by a separate treaty of 23 August 1368, the day before Barnim III's death).

complete certainty, since the business conducted involved a Pomeranian property.⁽¹⁸⁴⁾ The later assumption of the title by Gebhard may also have been a further instance of the use of a courtesy title on retirement.

The commandery of Lagow is first encountered in a list of local titles contained in a papal letter of 1350 (in which Czaplinek is not mentioned).⁽¹⁸⁵⁾ If the foundation of the house can be placed between 1345 and 1350, its creation is understandable both in terms of the desire to have a local site for the supervision of the interests in Sulęcín and the villas of the surrounding area; and, given its siting on the extreme edge of the Lubusz diocese, also in terms of the Hospital's ambition to recover the Temple's former Wielkopolskan possessions in the Wielkowieś group.⁽¹⁸⁶⁾ A certain solidity and local presence is also conveyed by a reference to the house of Lagow in an act of Margrave Ludwig from 1354.⁽¹⁸⁷⁾ It seems possible that for a few

(184) 9 July 1347. The rent was purchased in Sallentin (Zalocino)

(185) Hoogeweg, op cit. p 896. The commanders of Lietzen, Chwarszczany and Lagow were named. This suggests 1345-50 for the establishment of the Lagow house. This listing is quoted in Pflugk-Harttung-Die Anfänge p 100 from Beckmann's Kurtze Beschreibung der Stadt Frankfurt 100ff. The local hierarchy described in 1366 (Preuss. Ub VI 439) included Tempelburg and Lagow as the seats of senior officials of the eastern province.

(186) See above p 346 Note 82. Some villas of the Lagow house beyond the Odra were more firmly planted in Polish territory. The terms in which Lüpke-Grossdorf describes them as a salient or promontory of Germanism strike me as unbalanced.

(187) 26 August 1354, KDWP 1324. This act provided that the property of the bishop and chapter of Lubusz "und Crutzherren sancti Iohannis Guth und by namen Lagow und alles das dazu gehört und de Stadt Czulentzich" should be exempt from the 'Vogteien' of Drossen (Osno) and Sternberg (Torzym). If this is compared with the redonation of the former Sulęcín villa of Buchholz (Grabno) by Margrave Ludwig in an act of 16 November 1345 (KDWP II 1248), which was specifically made to the house in Chwarszczany, it would appear that the description of the responsibilities of the house in Lagow in 1354 did not apply in 1345.

years following its foundation the Lagow house discharged alone the function of an outpost commandery on the Mark's uncertain border, which it later shared with the house of Tempelburg (Czaplinek) when the Hospitallers were established there. There are a number of later instances of bellicosity on the part of both houses in the border wars between Poland and the Mark. (188)

This account of the Hospital and the Temple in the lands east of the Oder, with a specific focus for the period before 1370 on the early medieval kingdom of Poland, has now reached a vanishing-point, something which is a historiographical rarity. There would be no point in disputing that the houses of the Hospital, their own and those inherited from the Temple, now existed within an entirely altered historical context. However, in considering their previous existence, it is precisely the removal, or at least the substantial adjustment, of the perception of that context which is required if the experience of the Military Orders, not only in Poland but in those other countries of Eastern Europe where their presence was fostered, is to be understood.

(188) An incident from 1406-7 has attracted particular attention, and is described in Małecki, op cit. (from Długosz-Hist. III 565). Having received Drawsko and Czaplinek from the margraves, the Hospitallers refused Jagiełło's demand for homage and the placing of a garrison and the two towns were stormed after a four-day resistance. Długosz also attributes the loss of Santok to the Mark to the intrigues of the Hospitallers; this judgement may have some justice since the Order held in their archive documents recording grants to the Temple from the early thirteenth century by the use of which they could, apparently, have claimed large swathes of territory on the Polish border. Realistically, however, it is hard to see the frontier commanderies of Lagow and Tempelburg as anything more than catspaws of the Mark. If, in the history of the two Orders in the lands east of the Oder which has been described in these pages, this alone is to be remembered, as is indeed the case in some versions, it may be worth considering how such a grotesque misrepresentation could be generated.

**CONCLUSION: THE TRANSMISSION OF CRUSADING IDEOLOGY IN
EASTERN EUROPE**

MAPS

A LIST OF PLACE-NAMES IN POLISH, GERMAN AND CZECH

BIBLIOGRAPHY

(1) ARCHIVAL

(2) PUBLISHED SOURCE COLLECTIONS

(3) SECONDARY

**INDEX OF ORIGINAL DOCUMENTS PRINCIPALLY BEARING ON
THE HISTORY OF THE HOSPITAL AND THE TEMPLE QUOTED IN
THE TEXT**

CONCLUSION

It was suggested originally in this work that the measure of a country's crusading association should be taken from the experience within it as recipients of benefaction of the Orders of the Hospital and the Temple. It has now been seen that Prince Henry of Sandomierz's donation in Zagość may be characterised as a "Second Crusade" contact: that the agitation surrounding the preaching of the Third Crusade brought the Hospital new benefaction, and also caused to be expanded projects of donation which were already planned; one eventual Hospitaller house in Poland certainly, another possibly, originated in a crusader's benefaction. The chronology of benefaction for the Temple is also consistent with a pattern which can be established more clearly inside Germany, under which the core endowment of eventual houses is to be associated with times of crusading agitation.

When the situation of the Bohemian province of the Hospital before 1250 is considered, it can be seen that members of sponsoring families made pilgrimages, or joined the Order as members. Local recruitment continued into the fourteenth century. Particular devotional interests were associated with both Orders, including the practice of local pilgrimages, which undoubtedly derived from their original standing as crusading orders. The protection and toleration shown by bishops and princes was likewise conditioned by, and premised upon, the Orders' crusading role in Outremer: notwithstanding frequent and fatuous assertions to the contrary, they had no commission to defend the eastern

frontier of Europe against Slavs, heathens, heretics, or other uncivilised elements in any combination. Where, indeed, is this frontier? Certainly not on the River Oder.

There are indications of crusading enthusiasm in Piast Poland and in Pomerania to match, or to exceed at certain dates, what can be produced for other societies. Comparison made, where appropriate, with the situation in countries bordering Poland also suggests strongly that Czech and Hungarian crusading contacts could be chronicled employing the methodology of the present work; indeed analagous results could be obtained from several European countries. In so far as the subject matter of this thesis relates to a topic of general interest, it is that of the transmission of crusading ideology, which had ramifications for the social and political development of proto-nation states in the later medieval period that should not be ignored.

In countries which accepted Christianity in the ninth and tenth centuries, whose experience of integration within the Christian community of the Latin West, as Professor Kłoczowski has suggested, displays recurrent similarities, the acceptance of crusading ideology was a feature of the greatest significance. While it may be correct, and even genuinely perceptive, to speak of subscription to crusading ideals, whether at an earlier or a later date, as a matter of being "in the fashion", the sardonic quality of such a comment should not be allowed to obscure just how important keeping abreast of the fashion actually was. The advantages derived from its crusading association by the Czech Crown (this too would be a fit subject for a separate study) have

been briefly indicated here.

For Poland, in the final reckoning, when benefaction to the Miechowites, the Sword-Brothers in Dobrzyń, the Teutonic Knights in Namysłów, and the Order of Calatrava in Tymbark: not to mention the long underwriting of the Teutonic Knights in Prussia, and the transient hope for a missionary bishopric for the Ruthenians under the protection of the Temple in Łuków, are all added into the balance with the support of the Hospital, - which came before all these other manifestations, - and the sponsorship of the Temple in the Lubusz territory, it may be concluded that Polish and Pomeranian princes, too, aimed to adapt crusading institutions for their own purposes; if they did so less skilfully than, for example, the Czech rulers, they were ultimately the heavier losers for this failure. It may soothe national pride, - or fit in with a national prejudice of quite opposite tendency, - to declare that Poles were habitually uninterested in crusading, but if a single appropriate conclusion were to be chosen for the present work, it would be the assertion that the opposite is true.

Something has been said here of the local presence of the two international Orders, which was at first maintained by officials appointed from outside, and later also from within the regions in question: officials might serve over several years, engaging in local affairs and, at a later date, having definable local political associations and ambitions.

The sensitivity of the Military Orders to changing political divisions found striking illustration in the Hospital's changing administrative arrangements for its houses in Szczecin-Pomerania and the Mark. Yet, to a general clarification of the national provincial obedience of religious orders in Pomerania and Silesia which has occupied historians in recent years, may be added confirmation of the range of authority of the original Bohemian province and the existence of a Polish priorate of the Hospital. The situation which has been described here for the crusading period underwent significant alteration from about 1290. The fourteenth-century history of the Grand-Priorates of Bohemia and Brandenburg, for which some new information has been provided, invites further examination.

The setting of appropriate priorities for discussion within this work has necessitated a less prominent discussion of those questions of putative colonisation and transmission of cultural influence, which in many accounts provide the sole framework for discussion: in short, the removal of a 'Germanocentric' viewpoint. The justification for this proceeding should not need to be argued repeatedly. However, it may be as well, in order to anticipate any objection that this is an easy target, or an otherwise unjustified one, to add a few observations to complement those given elsewhere.

Following a legion of nineteenth-century historians, whose aim was to chronicle the Silesian and Pomeranian 'Heimat', proponents of the academic disciplines of 'Siedlungsgeschichte'

and 'Ostforschung' promoted, in what was intended as a more exact historiographical scheme, arguments and methodologies, which are open to the most severe and fundamental criticism; opinions which might in other circumstances be seen as quaintly picturesque, if ill-informed and prejudiced, and which informed work that was well-intentioned and useful, were later infected with the elements of delusion and insanity of Nazi ideology.

This is not to deny that the detailed researches of H. Lüpke and W. Kuhn have produced results which are of great value, or that more carefully defined enquiries by modern German historians, although possessing a German focus, are entirely justifiable and are a valuable aid to understanding the history of Eastern Europe.

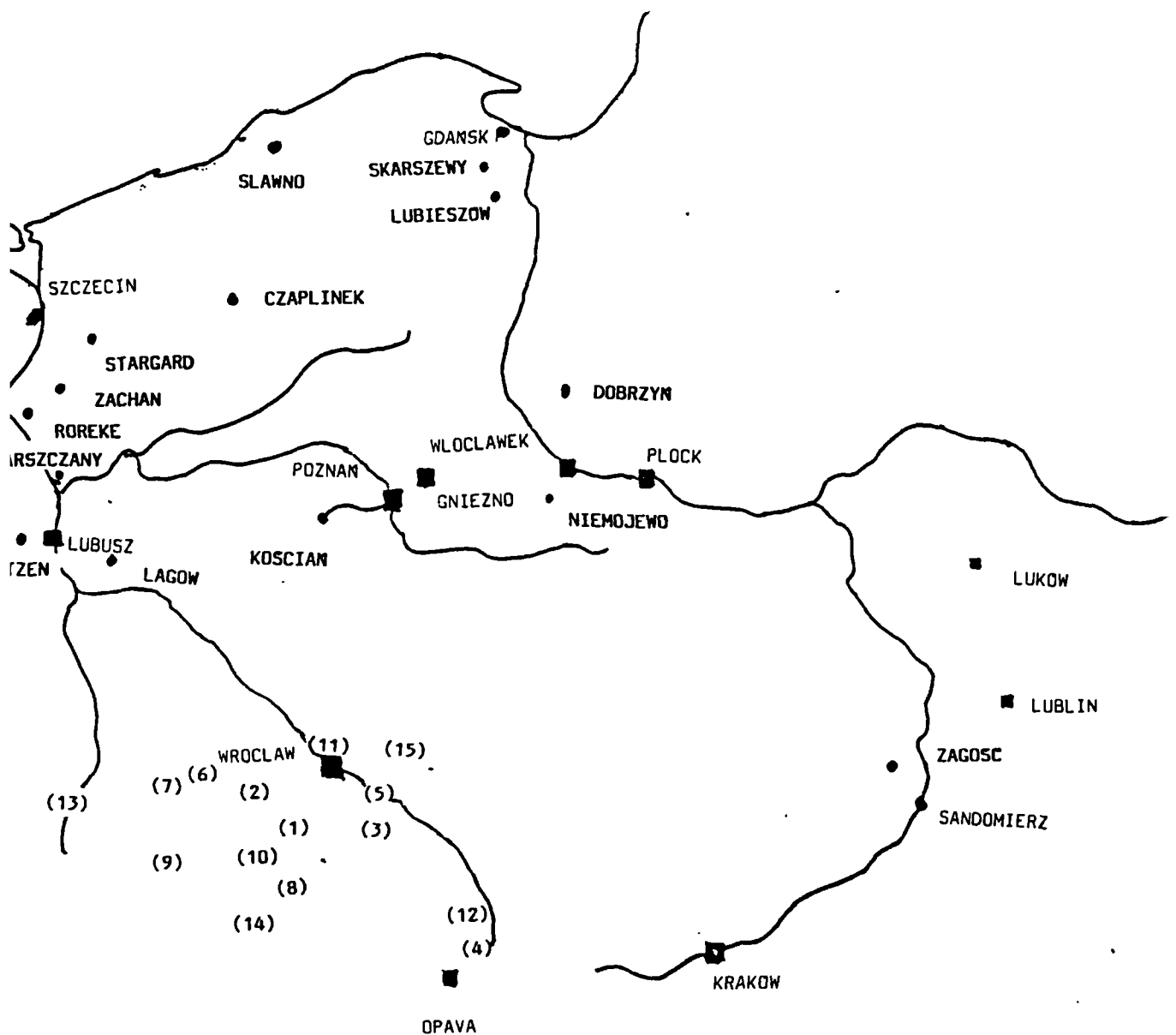
The particular damage has in all cases resulted from an over-willingness to draw large conclusions. The manner in which H. Hoogeweg, whose knowledge of the history of the Pomeranian church must strike an English reader as Knowlesian, was led into absurdity, - mooted that an area was not Germanised because it contained within it a Slav clergyman, - has already been the subject of illustrative quotation. I am no more convinced that questions of the relative stages of regional development, the geographical spread of the emergence of a money economy, the relative liberty and autonomy of rural and urban populations can be related to argumentative models which are basically the same.

If there is a simple lesson to be learned from error on these points, it is that 'German law', the presence of a German population, and German colonisation are not equivalent:

indeed the identification by Professor HK Schulze of Slav settlements under German law in eastern German principalities neatly ecapsulates precisely that reversal of facile assumptions, which is a necessary prelude to meaningful discussion. From the considerable body of available material, a representative part of which I have attempted to organise for analysis and discussion in the present topic, I do not doubt that answers will eventually be provided to many questions concerning the social and economic development of Eastern Europe in the twelfth and thirteenth centuries: however, it is these questions which the frequently tendentious terms of earlier discussion have served to obscure.

MAP 1

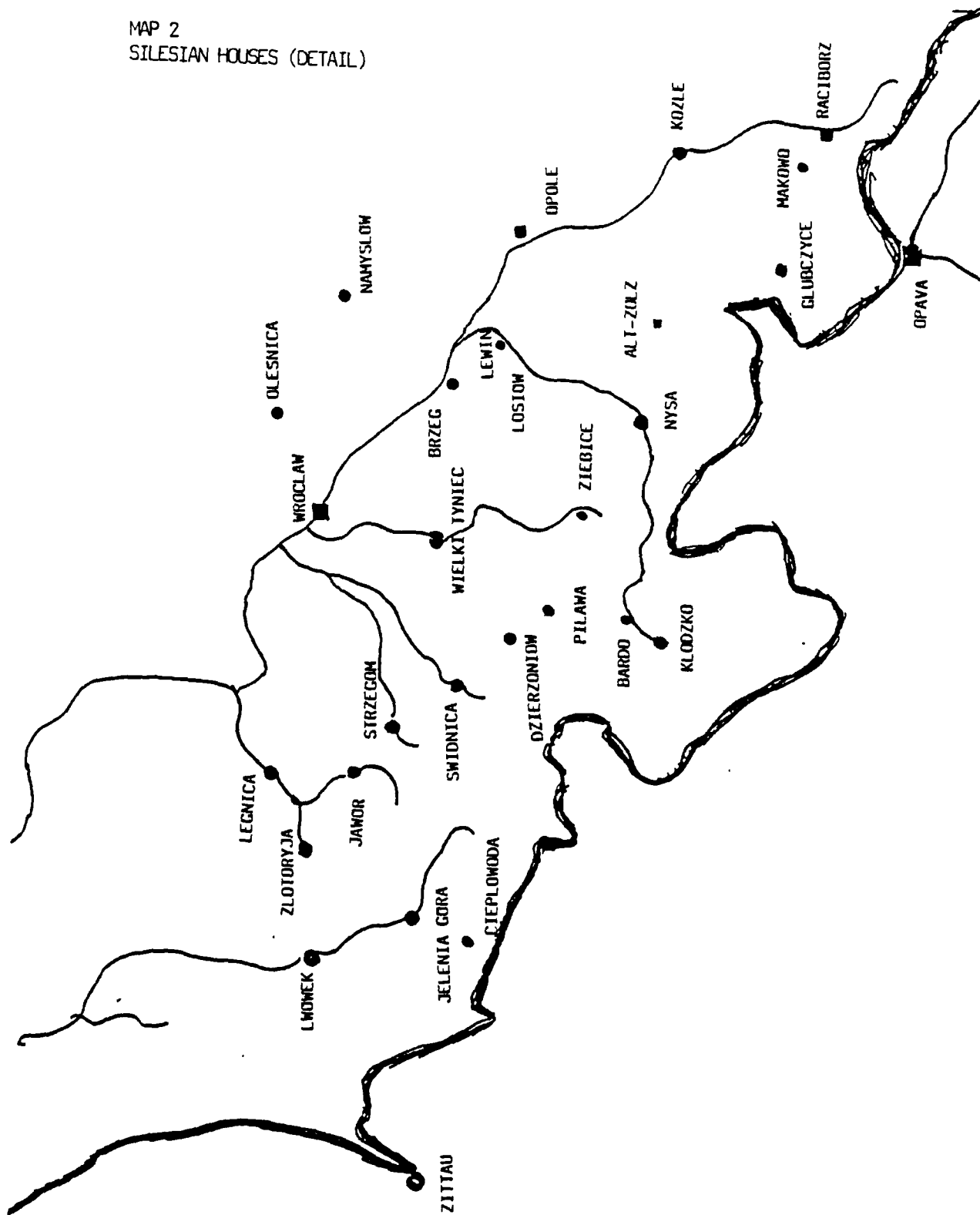
HOUSES OF THE HOSPITAL AND TEMPLE IN POLAND AND POMERANIA, 1145-1370



SILESIA HOUSES

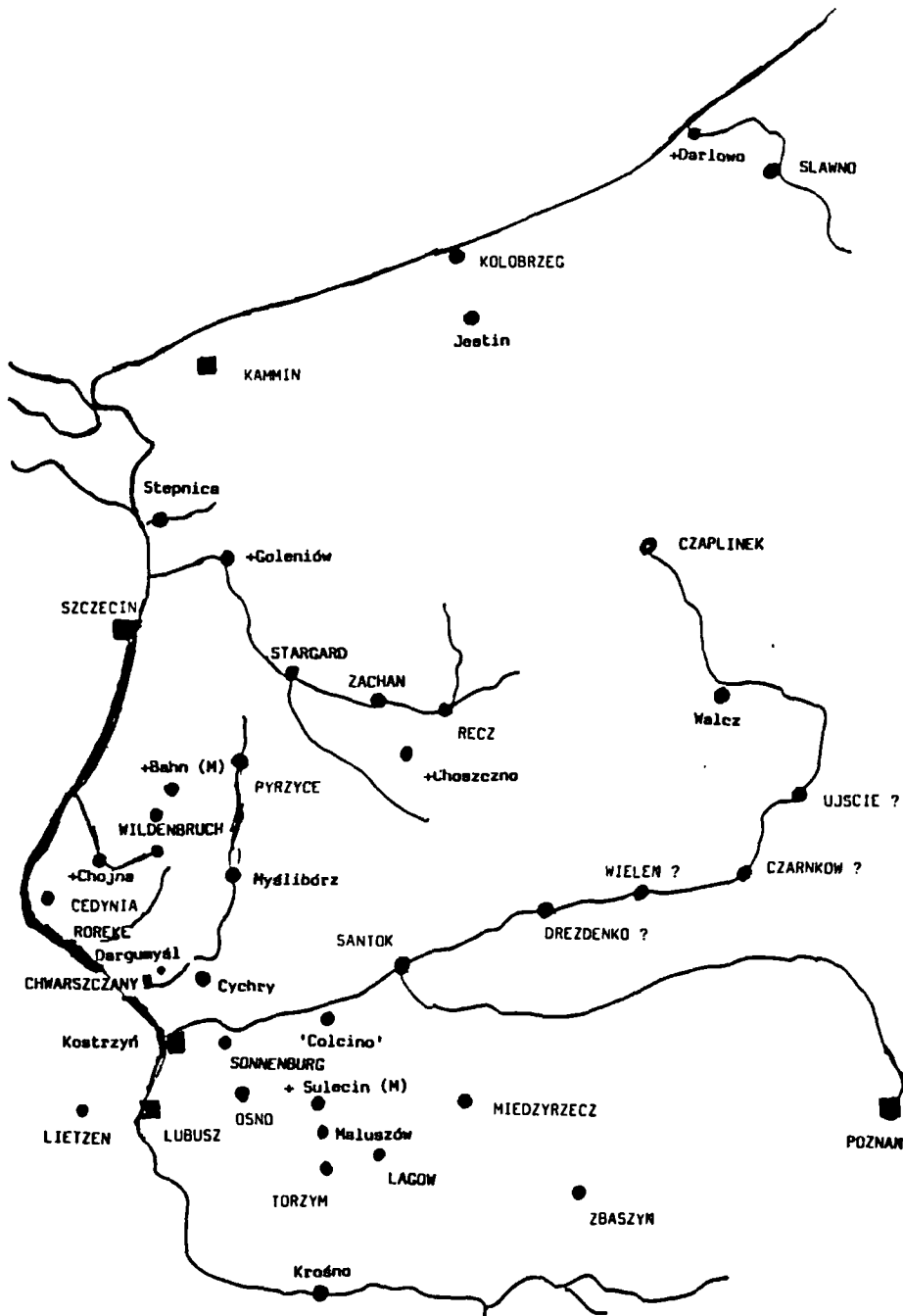
- | | | |
|-------------------|--------------|----------------|
| (1) WIELKI TYNIEC | (2) STRZEGOM | (3) KOSIOW |
| (4) MAKOWO | (5) BRZEG | (6) ZLOTORYJA |
| (7) LWOWEK | (8) PILAWA | (9) CIEPŁOMODA |
| (10) DZIERŻONÓW | (11) WROCŁAW | (12) KOZŁE |
| (13) ZITTAU | (14) KŁODZKO | (15) OLESNICA |

MAP 2
SILESIAN HOUSES (DETAIL)



MAP 3

THE HOSPITAL IN POMERANIA, LUBUSZ AND THE MARK: 14TH CENTURY



KEY:

SONNENBURG, ZACHAN

+Goleniów, +Choszczno
Cychry, Myślibórz
+Bahn (M), +Sulecin (M)

Site of Hospitaller (or former
Templar) House.

Town Parish Owned by Military Order
Major Property in Demesne Ownership
Proprietorial Town with Market
Rights (Miasteczko)

A LIST OF PLACE-NAMES IN POLISH, GERMAN AND CZECH

A. SILESIA

Biała, (N.E. Prudnik	Alt-Zülz	
Brzeg	Brieg	
Bardo	Warthe	
Chmielno	Rauske	
Ciepłowoda	Warmbrunn	
Cieszyn	Tscheschen	Tesin
Dzierżoniów	Reichenbach	
Głownino	Glofenau	
Głubczyce	Leobschütz	Hlubcice
Grobniki	Gröbnig	Hrobniki
Jaroszów	Jarischau	
Kamieniec	Kamenz	
Kłodzko	Glatz	Kladzko
Łosiów	Lössen	
Łówek	Löwenberg (Lemberg)	
Makowo	Makau	
Koźle	Kosel	
Namysłów	Nimptsch	
Nysa	Neisse	
Oława	Ohlau	
Oleśnica	Klein-Oels	
Opawa	Troppau	Opava
Pieszyce	Peterswald	
Piawa	Beilau	
Siedlec	Sedlitz	
Strzegom	Striegau	
Swidnica	Schweidnitz	
Turów	Thauer	
Tyńczyk	Klein-Tinz	
Ujazd	Ujest	
Wiązów	Wansen	
Wielki Tyniec	Gross Tinz	
Wrocław	Breslau	
Ziębice	Münsterberg	
Zitawa	Zittau	Zitava
Złotoryja	Goldberg	
Zólkiewka	Pilgrimshayn	

B. POMERANIA, LUBUSZ AND THE MARK

Banie
Cedynia
Chojna
Chorytowo
Choszczno
Chwarszczany, Kwaraczań
Cychry
Czaplinek
Czarnków
'Doberan'
Drawsko
Drezdenko
Darłowo
Gabno
Gdańsk
Goleniów
Łagów
'Lizenize'
Lubieszów
Lubusz
Kamień
Kołbacz
Kołobrzeg
Kostrzyn
Krośno
Małuszów
Międzyrzecz
Myślibórz
Ośno
Pyrzyce
Recz
'Roreke' (Rurki)
Santok
Skarszewy
Sławno
Słonisk
Stepenica
Suchań
Sulęcín
Szczecin
Torzym
Ujście
Wałcz, 'Kron'
Wieleń
Wielkowieś
'Zarino'
Zbąszyń

Bahn
Zehden
Königsberg id Neumark
Kürtow
Arnswalde
Quartschen
Zicher
Tempelburg
Czarnikau
Daber
Draheim
Driessen
Rügenwald
Buchholtz
Danzig
Gollnow
Lagow
Lietzen
Liebschau
Lebus
Kammin
Kolbatz
Kolberg
Küstrin
Crössen
Malosow
Meseritz
Soldin
Drossen
Pyritz
Reetz
Rörchen
Zantoch
Schöneck
Schlawe
Sonnenburg
Stepenitz
Zachan
Zielenzig
Stettin
Sternberg
Usch
Deutsch-Krone
Filehne
Grossdorf
Seeren
Bentschen

BIBLIOGRAPHY 1): ARCHIVAL

The original archival research for this thesis was carried out at a single location, the Archive of the Maltese Order in the Central State Archive in Prague, which I visited in 1984. The choice of Prague over other repositories was influenced by the fact that those holdings have already been extensively described, and their relevant material is mostly available in published collections.

(1) ARCHIVAL MATERIAL FOR THE ORDER OF ST. JOHN

PRAGUE: Státní Ústřední Archiv / **Archív Českého Velkoprevorství Maltského Řádu.**

DESCRIPTION: The current arrangement of the original acts is described in the Czech-language catalogue of Karel Beránek and Vera Uhlířová (1966). It should be noted that the references to original acts given in CG no longer apply.

PUBLICATION: CG (partial to 1310, some original)/
SUB I-IV (to 1281) / Also, Maleczyński-Orlik / KDS1 / Bocek

REGISTRATION: **SR** (to 1342) is heavily reliant for the earliest documents on the frequently unattributed excerpts and transcripts of Schwandner and Smitmer (both 18th Century Ms).

Original Prague acts directly relating to the Silesian houses are the following:

1-22	(Strzegom, 1201-1356)
89-104	(Dzierzoniów, 1258-1364)
177-178	(Koźle, 1293-1414)
194-203	(Łosiów, 1238-1342)
228-243	(Złotoryja, 1268-1372)
347-354	(Lwówek, 1241-1355)
533-548	(Brzeg, 1280-1374)
585-650	(Wielki Tyniec, 1189-1377)
742-799	(Oleśnica, 1288-1350)
1696-1720	(Wrocław, 1245-1381)

BERLIN: Former **Geheimes Staatsarchiv**. In 1984 the archive was divided between two sites: the original acts were held in West Berlin, while the auxiliary material, manuscript collections and transcriptions were held in Potsdam in the former DDR.

PUBLICATION: **CG** (partial to 1310, none original) is from (1) For Szczecin-Pomerania: Hasselbach, **PUB I-VIII** (to 1335) (2) For the Mark of Brandenburg: **AA, Pflugk-Harttung-Die Anfänge**, Anhang, **Riedel**. In addition, Riedel publishes some documents from Beckmann's Ms. Documents concerning the Mark of Brandenburg with a Wielkopolskan interest from Gercken's **CDBr** and **Frag. Marchica** are reproduced in KDWp

Wohlbrück's collection of documents from the Commandery of Lagow (16th century +) was also lodged in the Berlin Archive (See Lüpke-Grossdorf)

KALININGRAD: Former **Königsberg K und K Staatsarchiv**

DESCRIPTION: of signatures of original documents from Gdańsk-Pomerania in Perlbach. There is complete cataloguing in Joachim & Hubatsch.

PUBLICATION: in **CG** (to 1310, none original, from **Perlbach** (to 1310); thereafter in **Preuss. Ub** (to 1366)

REGISTRATION: of unpublished acts in **Joachim & Hubatsch**.

WROCLAW Former **Breslau Stadtarchiv**. Various collections.

DESCRIPTION: in SR and CDS

PUBLICATION in **CG** (some original, especially for Grobniki and Makowo; also after **Heyne-Dokumentirte Geschichte**)

REGISTRATION of unpublished acts in **SR**

SZCZECIN: Former **Stadtarchiv**

DESCRIPTION: **Hoogeweg-Die Stifter**, is the work of the former Szczecin archivist, and is extensively sourced according to the signatures of the Szczecin Archive. There is a description of original acts relating to the house of Wildenbruch in A. Breitsprecher's Rörchen-Wildenbruch.

PUBLICATION: **PUB** (to 1335).

REGISTRATION: There are extensive references in **Hoogeweg-Die Stifter** to unpublished 14th century documents. Where these can be checked against publication in **PUB**, it is apparent that they do not always give a satisfactory idea of the contents.

POZNAN: **Church of St. Michael in Poznań.**

DESCRIPTION: **Karwowski-Kościół i Komandorya** has the laconic comment "Privilege found beneath the altar of the church of St. Michael.

PUBLICATION: The two acts so described, which would appear to be of some significance in their description of a reorganisation of the Order's property-holding, have not been published or noted in the continuation of **KDWP**.

On the remaining archives which have at some time contained relevant material, the following points may be briefly noted: - The very extensive commentary in **Gęsiorowski-Najstarsze dokumenty** describes the archival history of the original Poznań acts, and copies made from them and retained in archives in Poznań and Prague.

(A). **KRAKÓW-Archiwum Aktów Dawnych**. Zagość and Poznań originals. Description in **CDP, KDWP, Gęsiorowski-op cit.**

(B). **POZNAN**. Late medieval copies registered by the Poznań chapter. Description in **Gęsiorowski, loc cit., KDWP**

(C). **WILNO-Public Library**. The earliest Poznań acts were removed here in the 18th century, presumably as the result of an aristocratic foible. They were entered as No. 1 etc., and were quite the oldest things in the place before their destruction during the First World War.

(D). **SKARSZEWY**: The grant of Kulm Law for the town (1341), an original act in the town's archive, was first published in Waschiński-Johannitercomturei Schöneck; also preserved in a copy formerly lodged in the Gdańsk Archive, it is almost certainly a forgery. Description also in **Preuss. Ub.**

(E). **STRZELNO**: Archive of Premonstratensian Abbey. One Hospitaller act issued in Prague in 1299 was preserved here and published in **DKM**.

ORDER OF THE TEMPLE

PRAGUE : As above. The first two acts in the Oleśnica holding of **AMR** date from the Templar period, and remain unpublished. The importance of several later acts in the same section for the task of reconstructing the original scale of the Temple's property-holding in Silesia is discussed in the text above. I remain unaware to what extent K. Eistert, who has produced an article under the title "Der Ritterorden der Tempelherren in Schlesien" in the occasional series 'Archiv für schlesischen Kirchengeschichte' from 1956 has made use of this material.

BERLIN : As above. In addition: H. Lüpke was in the process of preparing, before his death in the Second World War, a collection of charters supposedly illustrative of the Temple's work in German colonisation of the East. A chapter in **Lüpke-Untersuchungen** contains a valuable survey and comparison of several Mss in the former Sonnenburg archive, then in Berlin, whose references and registrations may indicate the existence of lost Templar documents. Some of these references from the **König Ms**, reproduced in **AA**, have been discussed in the present work. I was unable to consult Lüpke's work, which was being prepared for publication in Marburg in 1984, and I am unwilling to proceed beyond the account I have given above, while his conclusions remain inaccessible to me.

One previously unpublished original act and two reconstructed registrations from Lüpke's Urkundenbuch have been reproduced in **SUB II**

WROCLAW, as above.

DESCRIPTION: **Stenzel / Heyne.**

REGISTRATION: in **SR**

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SOURCE COLLECTIONS (WITH ABBREVIATIONS)

- AA** Allgemeines Archiv, L. von Ledebur. 16 (4)
- Bocek** Codex diplomaticus necnon diplomatarius Moraviae,
ed. Antonin Bocek Vols I-VII [BM 09315 i 44]
- CDBr** Codex Diplomaticus Brandenburgensis, ed. PW Gercken,
6 VOLS SALZWEDEL 1769 [BM 168 f 22]
- CDBr-Raumer** Codex Diplomaticus Brandenburgensis, ed. von Raumer
- CD continuatus** Codex diplomaticus continuatus, ed. von Raumer
- CDP** Codex diplomaticus Polonie, ed. L.Rzyszczewski,
A.Muczkowski, AZ Helcel, Bartoszewicz.
3 VOLS WARSAW 1847-58 [BM 9476 m 11]
- CDSlovac.** Codex diplomaticus et epistolaris Slovaciae
ed. R. Marsina. Academia Scientiarum Slovaciae
Bratislava 1971
- CG** Cartulaire Général de l'Ordre des Hospitaliers de
S.Jean de Jérusalem 1100-1310 ed. JM Delaville le
Roulx PARIS 1894-1906 [BM 1896 b 5]
- DŁugosz.Hist.** Historia , Jan DŁugosz
IN Opera Omnia [BM 12264 l 8 (10-14)]
- DŁugosz.Lib.Ben.** Liber Beneficiorum, Jan DŁugosz
IN Opera Omnia [BM 12264 l 8 (6-9)]
- DKM** Dokumenty kujawskie i mazowieckie przewaznie z XIIIw
ed. B. Ulanowski: Scriptores rerum polonicarum 10-12
Archiwum Komisji Historycznej Tom 4 CRACOW 1888
[BM Ac 750/11]
- Dreger** Codex Pomeraniae vicinarumque terrarum diplomaticus
ed. F. Dreger BERLIN 1768 [BM 1314 m 2]

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WOLFENBUTTEL 1755-63 [BM 9365 aa 9]
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IN Studia Źródłoznawcze (8/9) 1963-4
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Kosegarten GREIFSWALD 1862 [BM 1315 k 16]
- H. Heyne** Dokumentirte Geschichte des Bistums Breslau
WROCŁAW 1860-8 [BM 10232 e 18]
- Joachim & Hubatsch** Regesta historico-diplomatica Ordinis S.
Mariae Theutonicorum (1198-1525) 5 VOLS
GOTTINGEN 1948-73 [BM WP 14431]
- Kehrberg(1)** A. Kehrberg - Historisch-chronologisch Abriss der
Stadt Königsberg in der Neumark PRENTZLAU 1714
- Kehrberg(2)** Sim. 2nd edition.
- KDMp** Kodeks Dyplomatyczny Małopolski 4 VOLS, ed. F. Piekosiński
Wydawnictwa Komisji Historycznej Akademii Umiejętności
w Krakowie CRACOW 1876- [BM Ac 750/15 (3,9,10,17)]
- KDS1** Kodeks dyplomatyczny Śląska, ed. K. Maleczyński
3 VOLS WROCŁAW [BM WPC/746]
- KDWp** Kodeks Dyplomatyczny Wielkopolski, ed. I. Zakrzewski
Towarzystwo Przyjaciół Nauk Poznańskie 6 VOLS POZNAN
1877-1982 [BM Ac 915/3]
- * König** Mss Berlin [Knowledge from AA, Lüpke]
- H. Lüpke** Urkundenbuch Ms Marburg [Knowledge from SUB. Ms, in
the process of preparation for publication, was not
accessible]

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Archiwum joannitów w **Orliku** IN Sobótka (12) 1957
- Mon. Pol. Pal** Monumenta Poloniae Palaeographica
KRAKÓW 1907-10 [BM Ac 750/8 & 1703 d]
- Oelrichs** Verzeichnis der von Dregerschen übrigen Sammlung
Pommerscher Urkunden ALTEN-STETTIN 1795 [BM 9325 g 17]
- Oelrichs-Beyträge** Beyträge zur Brandenburgischen Geschichte
BERLIN, SZCZECIN, LEIPZIG 1761 [BM 9384 b 18]
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GDANSK 1882 [BM Ac 7032]
- Pflugk-Harttung** J. von, **Die Anfänge** des Johanniter-Ordens in
Deutschland, besonders in der Mark Brandenburg und in
Mecklenburg BERLIN 1899 **Anhang**.
- Preuss. Ubuch** Preussisches Urkundenbuch, ed. Philippi, R. ,
Woelky, CB KALININGRAD 1882- [BM 9385 k]
(Modern continuation, published in Marburg)
- PUB** Pommersches Urkundenbuch ed R. Klempin 6 VOLS STETTIN
1868- Volume 1 of PUB is a corrected and
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The purpose of this index is to aid orientation in the source collections and archival sources outlined in Section 1 of the Bibliography, and to supplement the cross-referencing provided in the foot-notes of the text. It is not intended as a complete list of available documentary sources, or of their publication. Some original acts quoted in the text, which contain only incidental information on the main topic are not included. I have used asterisks to indicate documents which are dubious, and in some cases non-existent. Explanation of why they have been so indicated may be found in the body of the text.

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1201 2 August	Innocent III	KDwp 37	CG 1149	116/119/308
1218 30 Nov.	Bp. Paul	KDwp 104	Gęsiorowski	118/122/310
1225 undated	Laskonogi	KDwp 117	CG 1802	119/122-6/130/310
1230 21 Dec.	Bp. Robert (Olomouc)		CG 1971	189/309
1232 undated	Conrad		KDwp 140	130/135/310
1237 23 May	Odonic	KDwp 202	CG 2162	310
1238 undated	Odonic	KDwp 213	CG 2180	119/123-6/130/310
1238 23 March	Gregory IX	KDwp 208	CG 2194	125/308
1244 30 May	Bolesław Mp.	ODP III 23	CG 2325	100/105/106/124/296 313
1248 25 March	Bp. Prandota		KDwp I 30	107/311
1250 10 August	Kazimierz	ODP II(I) 56	CG 2530	136/311/
1251 19 Nov. *	Treaty		KDwp 297	134
1252 12 March	Przemysław	KDwp 300	CG 2592	312/314
1256 undated	Bolesław Wp.	KDwp 344	CG 2278	127
1257 10 June	Bolesław Mp.		ODP III 35	104/130/311/312/314
1268 25 April	Bolesław Wp.	KDwp 433	CG 3306	131-3/314/318
1299 15 June	Prior Henry		DKM p131 No 19	137/321
1309 undated	Cdr. John	KDwp 929	CG 4834	142/318/321
1312 14 May	Prepositus John, Strzelno.		KDwp 955	137
1317	Łokietek		KDwp II 567	100/103
1320 29 May	Papal Judges	Preuss. Ub II (1) 287		138/141/298
1321 26 Feb	Papal Judges	Preuss. Ub II(1) 327		138/141
1321 18 March	Papal Judges	Preuss. Ub II(1) 330		138/141
1321 3 July	Papal Judges	Preuss. Ub II(1) 346		138/141
1324 6 June	Papal Judges	Preuss. Ub II(1) 473		138/141
1335 ?	Cdr. Poznań?	[Karwowski, after Poznań Or.]		143
1338 14 Feb.	Cdr. Helmanus		KDwp 1176	142
1338 31 May	Bp. John		KDwp 1182	142
1338 30 June	Bp. John		KDwp 1184	142
1348 15 Jan.	Cdr. Nicholas Ber.		KDwp 1264	139/146/235
1348 7 Dec.	Prior Gallus		KDwp 1278	139/144/146
1356 17 Jan.	Br. John		KDwp 1335	144/145
1360 ?	K. Kazimierz.	[Karwowski, after Poznań Or.]		143
1362 16 May	Prior Gallus		KDwp 1475	144
1366 28 April	Cdr. Nicholas Poppo		KDwp 1558	131/146
1394 1 May	K. Władysław.		KDwp 1943	143

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1170-89?	Bp. Zyrosław	CG II p 26	SUB I 56	120/152/153/156/233/ 307
1189 undated	Bp. Zyrosław		SUB I 57	152/153/156/158/163 233/307/308/311

1199	8 May	Innocent III	SUB I 67	CG 1082	161
1201-3	8 Dec.	Imbram	SUB I 86	CG 1130	120/156/166/167/171/ 308
1203	pre-8 Dec.	Henry I	SUB I 87	CG 1168	167/308
1203	post 6 Ap.	Bp. Cyprian	CG II p 20	SUB I 88	167/168/180/308
1203	undated	Bp. Cyprian		SUB I 89	154/201/206/233/308
1203	15 Dec.	Innocent III	SUB I 90	CG 1180	154/171/173/201/206 308/309
1205	5 Nov.	Innocent III	SUB I 98	CG 1225	168/171/308/309
1210	1 Nov	Bp. Laurence		CDS X 1	161
1212	undated	Bp. Laurence		SUB I 134	257/309/310
1223	19 Nov.	Bp. Laurence		SR 276	246
1224	undated	Kazimierz		SUB I 249	244/310
1234-40		Adlard	SUB II 197	[CG 885]	200/201/233/313
1238	Post 19/3	Henry II	SUB II 146	CG 2195	194/248/312
1239	undated	Mieszko	SUB II 165	CG 2214	246/312
1239	undated	Paul(*)	SR 524 SUB II 170	CG 2215	177/312
1239	undated	Paul(*)	SR 525 SUB II 170	CG 2216	170/177/312
1239	undated	Paul	SR 528 AMR 6	SUB II 171	177/178
1239	29 Aug	Paul(*)	SUB II 430	CG 2238	167/177-80/236/248
1240	1 May	Mieszko	SUB II 178	CG 2252	245
1240	25 May	Mieszko	SUB II 180	CG 2253	248/311
1240	27 August	Mieszko	SUB II 188	CG 2259	249
1241	8 May	Mieszko	SUB II 210	CG 2273	248
1242	undated	Anna	SUB II 239	CG 2283	174
1244	undated	Bolesław II	SUB II 273	CG 2311	202/296/313
1246	1 Oct.	Innocent IV	SUB II 309	CG 2426	171/173/312/314
1251	6 Dec.	Bolesław	SUB III 21	CG 2578	238/316
1254	18 Nov.	Henry III	SUB III 137	CG 2696	203
1255	4 Feb.	Prior Henry	SUB III 145	CG 2713	188/313/314/320
1255	4 Feb.	Bp. Thomas I	SUB III 144	CG 2713(note)	188/191
1257	undated	Nicholas		SUB III 258	196
1258	13 Feb.	Bp. Thomas I		SUB III 264	232
1261	29 May	Prior Maurice	SUB III 354	CG 2989	250/314-7
1262	23 June	Henry III		SUB III 412	231
1267	1 July	Clement IV	SUB IV 24	CG 3266	210
1268	20 Dec.	Commune, Złotoryja		SUB IV 82	210/229
1268	24 Feb.	Bp. Thomas I		SUB IV 53	232
1269	24 Feb.	Bolesław		SUB IV 91	210-212/229
1269	18 Sep.	Prior Crafto	SR 1331	SUB IV 102	239/314-16
1272	22 Feb.	Henry IV	SUB IV 163	CG 3439	175/316
1272	17 June	Bp. Thomas I	SUB IV 180	CG 3456	175
1273	25 Oct.	Henry IV	SUB IV 212	CG 3520	239/240
1277	22 Nov.	Henry IV	SUB IV 318	CG 3639	184/316
1280	4 March	Henry IV	SUB IV 387	CG 3718	173/215
1281	18 March	Bernard	SUB IV 406	CG 3745	221/316
1281	18 March	Bernard	SUB IV 407	CG 3744	223/316
1281	13 July	Bernard	SUB IV 418	CG 3762	224
1282	undated	Francis	SR 1690	AMR 595	195/250
1282	8 Jan.	Henry IV	Ub. Bist. Breslau	66	317
1282	16 April	Henry IV	AMR 594	CG 3783	204
1282	19 April	Bp. Thomas	AMR 349	CG 3745(note)	221/222/317

1282	27 June	Henry IV	SR 1714	AMR 92	231
1283	24 Feb.	Abt. Nicholas	SR 1742	AMR 1698	239/240
1283	undated	Henry IV	AMR 535	CDS IX / 6	217
1284	15 March	Bp. Thomas II	SR 1775	AMR 197	192
1284	29 Nov.	Bogusł Pogareł	AMR 196	CG 3883	192
1285	13 April	Bolesław Opole		CG 3897	252/317
1285	23 April	Bolesław Opole		SR 1899	252
1285	6 May	Bp. Thomas II		SR 1916	252
1287	28 August	Ct. Francis	SR 2047	AMR 598	317/318
1288	20 March	Bolko	Heyne II 816	CG 3993	225
1288	19 April*	Bp. Thomas II		SR 2064	222
1288	2 August*	Bolko	SR 2079	CG 4011	222
1288	2 August	Bolko	SR 2077	CG 4010	185/222
1288	31 August*	Bp. Thomas II	SR 2090	CG 4011	222
1288	31 August	Bp. Thomas II	SR 2789	AMR 1699	185/222
1290	24 June	Henry IV	AMR 93	CG 4107	231
1290	30 Nov.	Henry IV	AMR 599	CG 4132	205
1291	24 August	Bp. Paul (Kraków)		CG 4169	160
1293	22 Jan.	Bp. John		AMR 177	252
1297	25 March	Bogusł Pogareł	AMR 198	CG 4366	196/320
1297	19 Dec.	Peter Steyn	AMR 601	CG 4396	198/318
1299	undated	Henry (Soltys)	SR 2536	AMR 537	218
1299	24 July	Notarial	SR 2559	AMR 536	215/219
1299	2 August	John (Dean)	AMR 15	CG 4773	176/316
1299	5 Nov.	Bp. John	SR 2571	AMR 16	175/219
1302	2 May	Beatrice	AMR 603	CG 4563	201/233
1304	9 April	Bp. John	SR 2789	AMR 350	185/222
1304	9 April	Bp. John	SR 2789	AMR 1699	185/222
1304	4 July	Bolesław	SR 2798	AMR 1700	240
1305	4 Dec.	Beatrice	SR 2869	AMR 17	185
1306	18 Jan.	Bolesław	AMR 604	CG 4710	206
1309	22 Feb.	Commune, Strzegom		CG 4848	187/285/321
1309	3 April	Bolesław	SR 3051	AMR 1701	240
1309	20 July	Bolesław	SR 3070	AMR 605	322
1310	12 Nov.	Nicholas	SR 3166	AMR 199	178/193/196
1312	20 March	Bolesław	SR 3261	AMR 606	209/322
1314	27 August	Abt. Philip	SR 3415	AMR 1702	240
1317	5 April	Cdr. Albert	SR 3677	AMR 200	322
1317	29 April	Bernard	SR 3681	AMR 607	234
1318	26 April	Prov. Nicholas	SR 3784	AMR 745	342
1318	12-18 Nov.	Henry	SR 3854	AMR 1703	240
1319	21 Jan.	Bolesław	SR 3882	AMR 608	322
1319	28 March	Abt. Philip	SR 3904	AMR 1704	239/240
1319	28 March	Abt. Philip	SR 3905	AMR 1705	240
1319	30 July	Bolesław	SR 3936	AMR 746	342
c.1320	undated	John XXII 9 X 1320		AMR 231	212/366
1320	24 Jan.	Bolesław	SR 4017	AMR 611	322
1320	5 June	Bolesław	SR 4044	AMR 610	322
1320	19 June	Bolesław	SR 4048	AMR 609	322/323
1321	6 Feb.	Bolesław	SR 4096	AMR 612	322/367
1321	9 Sept.	Bolesław	SR 4154	AMR 613	209
1323	5 Nov.	Bernard	SR 4300	AMR 614	322
1326	26 May	Abt. Michael		AMR 1706	239/240

1326	17 Feb.	Fritzko		AMR	18	182
1328	25 August	Comm. Złotoryja	SR 4761	AMR	232	212
1329	11 Sept.	Bolesław	SR 4870	AMR	748	344
1329	17 Oct.	Bolesław	SR 4897	AMR	749	343
1329	28 Oct.	Henry	SR 4879	AMR	615	209/323
1329	17 Nov.	Bp. Nanker	SR 4889	AMR	751	343
1330	8 Jan.	Bolesław	SR 4907	AMR	752	343
1331	19 Oct.	K. John	SR 5059	AMR	616	209
1331	29 Nov.	Prior Michael	SR 5070	AMR	754	234
1332	2 Oct.	Henry	SR 5154	AMR	1707	240
1332	1 Nov.	Bolesław	SR 5158	AMR	755	343
1334	21 Jan.	Bolko	SR 5295	AMR	619	234
1334	24 April	Prior Michael	SR 5325	AMR	618	343
1334	25 July	Bolko	SR 5359	AMR	19	186
1335	23 June	Commune, Lwówek	SR 5470	AMR	351	224/237
1335	29 August	Cdr. Gunther [Registration in		AMR	548, No.4]	219/232/234
1335	20 Sept.	Bolko		AMR	620	209
1336	8 Feb.	Commune, Złotoryja	SR 5563	AMR	235	235
1336	2 May	Notarial	SR 5630	AMR	202	251/252
1338	4 April	Abt. Conrad	SR 6073	AMR	1708	239/240
1338	11 April	Bolko	SR 6090	AMR	94	226
1338		Trans.11/4/1338	SR 6090	AMR	95	226
1338	3 June	Bolko		AMR	96	226
1339	10 August	K. John	SR 6322	AMR	1709	242
1340	16 June	Apeczek	SR 6461	AMR	97	227
1340	17/23 Oct.	Bolko	SR 6504	AMR	20	186
1341	1 Oct.	Henry, Apeczek	SR 6683	AMR	21	187
1342	10 Feb.	Bolesław	SR 6753	AMR	538	220
1342	15 Oct.	Bolesław	SR 6935	AMR	203	197
1342	28 Oct.	Bolesław	SR 6944	AMR	622	209
1342	16 Nov.	Bolesław	SR 6958	AMR	761	342
1343	22 Oct.	Charles		AMR	1710	242
1343	23 Oct	Nicholas		AMR	623	234
1343	29 Oct.	Bolesław		AMR	539	219
1344	12 Jan.	Bolesław		AMR	762	343
1344	24 March	Bolko		AMR	624	209
1345	13 Feb.	Jingling		AMR	626	234
1345	21 Feb.	Bolesław		AMR	763	344
1345	5 Sep.	Bolesław		AMR	540	219
1346	11 Nov.	Bolko		AMR	627	209
1347	20 March	Bolesław		AMR	768	342
1347	23 Sep.	Bolko		AMR	630	209
1347	25 Dec+	Notarial		AMR	767	344
1347	30 Dec.	Nicholas		AMR	769	344
1348	13 Jan,	Abt. Sidilmann		AMR	631	209
1348	18 Nov.	Charles IV		AMR	1711	242
1348	18 Nov.	Charles IV		AMR	1712	241
1349	10 June	Notarial		AMR	237	230/235
1349	30 August	Notarial		AMR	99	227/235
1349	21 Oct.	Bolesław		AMR	772	342
1350	1 Feb.	Agnieszka		AMR	773	343
1351	29 Nov.	Bolesław		AMR	777	342
1352	27 March	Bolesław		AMR	779	342

1352	2 April	Bolesław	AMR	780	342
1353	22 Jan.	Bolko	AMR	634	208/209
1354	19 Feb.	Catherine	AMR	541	219/220/235
1354	22 Feb.	Commune, Wrocław	AMR	1714	241
1354	16 Nov.	Prior Gallus	AMR	635	237
1355	24 Sep.	Nicholas	AMR	637	234
1355	3 March	Prior Gallus	AMR	354	236
1356	10 June	Nicholas	AMR	639	234
1356	2 Dec.	Commune, Swidnica	AMR	22	187
1357	16 Jan.	Catherine	AMR	545	230
1357	4 April	Nicholas	AMR	784	343
1359	14 August	Václav	AMR	239	231
1363	8 March	Prior Ziemowit	AMR	790	323/344
1363	14 May	Biebersteins	AMR	102	227/235
1364	22 Jan.	Bolko	AMR	104	235
1364	17 Sept.	Ludwig	AMR	1715	340/342
1364	30 Sept.	Prior Ziemowit	AMR	1716	323/344
1364	24 Oct	Bolko, Henrui	AMR	644	234
1365	23 June	Prior Ziemowit	AMR	792	344
1365	18 Nov.	Ludwig	AMR	793	344
1366	14 Nov.	Conrad, Pleban	AMR	1719	239
1369	19 Sep.	Bolko	AMR	648	234
1372	16 August	Commune, Brzeg	AMR	546	220
1374	11 Jan.	Notarial	AMR	548	219
1377	29 Sep.	Bolko	AMR	650	234
1414	1 Jan.	Conrad IV	AMR	178	252

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1198	11 Nov.	Grzymisław	Perlbach 9	CG 1042	286-290/292/293/307
1198	11 Nov.	Grzymisław	Perlbach 10	CG 1042	286-288/292/293/307
1200*	23 April	Bogisław	Perlbach 11	CG 1116	256/257/310
1223	undated	Racibór	Perlbach 23	CG 1762	257/259/260/270/271/ 310
1229	undated	Barnim	Perlbach 42	CG 1936	260/266/274/310
1237	23 May	Odonic	KDwp 202	CG 2162	273
1238	16 March	Gregory IX	PUB 345	CG 2191	258/263/268/292/308
1238	19 March	Gregory IX	PUB 355	CG 2192	258/263/308
1238	21 March	Gregory IX	PUB 576	CG 2193	258/290/292/308
1240	undated	Świętopełk	PUB 374	Perlbach 73	270/271
1243	undated	Bp. Michael	Perlbach 80	CG 2293	292/296
1248	19 June	Świętopełk	Perlbach 164	CG 2475	270/286
1252	12 March	Przemysław	KDwp 300	CG 2592	274
1262	18 Oct	Bp. Hermann (transumpt 1229)	PUB 724		274/275/
1262	18 Oct	Bp. Hermann (transumpt 1198)	PUB 723		275/286/287//292
1269	undated	Bp. Hermann	Perlbach 241	PUB 900	275/290/292
1269	12 August	Fra. Albert	Riedel I(6)16	CG 3365	277
1270	16 April	Fra. Albert	Riedel I(6)17	CG 3420	280
1271	29 July	Commune, Werben		Riedel I(6) 18	280
1273	22 Nov.	Bp. Hermann	PUB VI 3977	CG	259/262/281
1278	undated	Mściwoj	Perlbach 300	CG 3641	295
1280	undated	Bogisław IV		PUB VII 4669	278

1284	13 August	Treaty	Riedel II(1)230/PUB 1312	280/282
1287	21 June	Bogisław IV	AA pp 224-5 PUB 1430	282
1288	undated	Mściwoj	Perlbach 444 CG 3981	296
1289	3 August	Mściwoj	Perlbach 454 CG 4048	296
1290	30 June	Abt. Thomas	Perlbach 467 CG 4109	292/296
1290	26 August	Abt. Thomas	Perlbach 470 CG 4115	292/296
1291	17 Jan.	Bogisław IV	PUB 1568 CG 4138	283
1291	5 Feb.	Mściwoj	PUB 1573 CG 4143	286/287/294/297
1295	11 August	K. Przemysław	Perlbach 474(n)CG 4292	286/294
1298	15 May	Hermann Warburg	PUB 1846	321
1303	8 Jan.	Bogisław IV	PUB VI 2071 CG 4582	284
1304	undated	Martin	Perlbach 629	296
1305	undated	Cdr. John	Preuss. Ub I (2) 843	298/299
1308	23 August	Otto IV	Perlbach 586 CG 4815	285
1309	28 Feb.	Waldemar	CG 4851	285/367
1309	7 July	John, Otto.	Perlbach 673	269/277
1312	6 Jan.	Pr. Helperich	AA pp 231-2 PUB 2704	268/285/297/325
1318	29 Jan.	Waldemar	PUB 3166	285/367/368
1320	23 March	Cdr. Conrad	AA pp 232-3 PUB 3350	270/298
1320	9 Oct.	Prior Gebhard	AA p 233 PUB 3409	270/285/298/325/326
1320	16 Dec.	John XXII	PUB 3426	369/372
1321	18 March	Cdr. Conrad	Preuss. Ub II 330	298
1321	29 Sept.	Otto, Brunswick	Pflugk-Harttung, Anhang 11	369
1321	25 Nov.	Peter Neuenborg	PUB VI 3547	271/298
1322	21 Feb	Henry, Glogow	Riedel I (19) p 129 No 9	368
1323	12 April	(Pelplin charter)	Preuss. Ub. II 402	298
1324	10 April	Cdr. Conrad	PUB VI 3761	269/299
1326	9 March	Cdr. Conrad	PUB VII 4156	299/325
1326	29 Nov.	Transumpt	PUB VII 4238	285
1330	undated	Jesco	PUB VII 4571	271/285
1331	undated	Jesco	PUB VII 4619	271/285
1333	12 April	Gresmar	PUB VIII 5053	271/285
1333	12 April	Jesco	PUB VIII 5055	271/285
1333	21 Dec.	Jesco	PUB VIII 5118	271/282/285
1334	8/9 Jan.		Preuss. Ub II 818	300
1334	9 Jan.	G-M Luder	Preuss. Ub II 819	300
1334	11 Jan.	Cdr. John	Preuss. Ub II 820	300
1334	Jan.	Cdr. John	Preuss. Ub II 821	299
1334	July 6	Notarial 22/4/1282	PUB VIII 5176	369
1335	10 Jan.	G-M Luder	Preuss. Ub. II 870	300
1335	2 April	G. Bortfelde	PUB VIII 5260	370
1336	1 Feb.	Cdr. Adolf	Preuss. Ub. III (1) 43	299
1340	17 August	(transumpt)	Preuss. Ub III 319	301
1340	29 Sep.	G-M Dietrich	AA pp 238-42/Preuss. Ub. III 324	294/301
1341	2 Feb.	Cdr. Adolf	Preuss. Ub	302
1345	13 Jan.	Hermann of Werberg	AA I p 243	370
1345	10 Sept.	Ludwig	KDwp 1246	372
1345	16 Nov.	Ludwig	KDwp 1248	373
1346	16 April	Stybor	Preuss. Ub IV 19	300
1346	16 April	G-M Henry	Preuss. Ub IV 18	300
1347	9 July	Barnim	Pflugk-Harttung, Anhang 10	373
1348	25 March	(transumpt of 1198)	J&H I 239	301/302
1348	25 March	Br. Rudolf	Preuss. Ub IV 307	302

1349	6 Dec.	G-M Heinrich	Preuss. Ub IV 481	301/303
1350	4 July	Notarial	Preuss. Ub IV 594	301/303
1350	5 July	Transumpt	J&H I 253	301
1351	10 Feb.	Ludwig	Oelrichs, Beyträge 31	368/370
1352	15 August	Ludwig Kehrberg (1)	p 52 (AA p 308 No 225)	368/370
1354	26 August	Ludwig	KDwp 1324	373
1366	25 March	Master Raymond Berengar	Preuss. Ub VI 439	305/373
1369	25 June	Speyer Chapter	J&H II 967	306
1370	12 June	(transumpt) M. Philip	J&H II 964	306
1370	16 Nov.	Prior Hermann Werberg	J&H II 969/AA pp 252-3	303/306
1370	undated	Prior Hermann Werberg	J&H II 970	303/306

ORDER OF THE TEMPLE (Most early charters are undated within the year)

1227		Bp. Laurence	SR 316	SUB I 283	338/339
1229		Bp. Laurence		SUB I 307	330
1232		Odonic		Wohl.b. 61/2	330/345
1232		Bp. Laurence		Wohl.b. 60-1	330
1232		Bp. Boguphal		REG:Wohl.b. 116	346
1233		Odonic	AA p 310 Note 235		335
1233 *		(Odonic)	AA p 327 Note 292		347
1234		Barnim	Wohl.b. 66/7	PUB 308	263/312/331/359
1234 28 Dec.		Barnim Riedel I (19)	pp 2-3 No IV	PUB 309	331/333/349
1235		Bp. Henry Riedel I (24)	pp 1-2 No II	PUB 310	331
1236 4 March		Barnim	AA p 317 No 257	PUB 328	333/350
1237 *		("Kg. Poland")	AA p 324 No 280		347/348
1238		Gregory IX		ODBr V 283	335
1238 *		Odonic	AA p 327 Note 293		346/347
1238 *		Odonic	AA p 303 No 229		347
1238		Odonic		PUB 351	337
1239 1 Oct.		Bolesław	AA p 334 Note 307/DKM p 290 No 5		334/356
1240 10 Feb.		Bp. Thomas	SR 549	SUB II 176	339
1241 undated		Bp. Henry	Wohl.b. 67-8	SUB II 224	332
1241 *		Bp. Henry	Kehrberg(2) 254	SUB II 225	334-6/359
1241-3 ? *		Bolesław	[Lüpke 23]	SUB II 226	334/335
1243 (?)		Bp. Henry		Wohl.b. 68-9	349
1244 undated		Bp. Henry	Riedel V No 5	Wohl.b. 70	332/359
1244 undated		Bp. Henry		Wohl.b. 70-2	332/338/360
1244 undated		Ct. Mroczko		SUB II 276	332
1244 undated		Barnim		PUB 427	349/360/
1247 18 Jan.		Innocent IV		PUB 455	337/350/360
1249 13 April		Przemysław	AA p 335 Note 310/DKM p 352 No. 5		337/346/347
1249 25 July *		Innocent IV	[Lüpke 35]	SUB II 376	337/351/360
1249 29 July		Innocent IV	[Lüpke 36]	SUB II 378	337/338/351/360
1249 11 Aug		Innocent IV		PUB 497	337/351/360
1250 undated *		(Przemysław)	[König] AA p 328 No 295		346
1250 undated *		(?)	[König] AA p 335 No 308		356
1251 25 August		Bp. Boguphal		Wohl.b. 38	346/360
1251		Bp. Hermann		PUB 548	337/351
1252-8		Bp. Hermann (trans. 1234)		PUB 584	337/351
1253 3 May		Abp. Magdeburg		Wohl.b. 180	350/351/361
1256 14 Feb.		Przemysław	AA p 304 No 214		346/347

1257	1 Feb.	Alexander IV	Preuss. Ub. I (2) No 4	356
1258	26 Sept.	Alexander IV	AA p 329 No 297	351
1259	11 Feb.	Bolesław	AA p 297 No 190 CDBr I 45	336/350
1260	undated	Henry III	SR 1036	340/361
1261	8 Feb.	Bp. Hermann	PUB 696	337/352/362
1262	31 Dec.	Preceptor Widekinus	CDBr I 124	337/352/362
1263	27 July	Cdr. Frederick	PUB VI 3961	352/353/363
1264	27 May	Barnim I	PUB 750	353
1282	9 Nov.	Przemysław	Wohlb. 145	337/347
1282	?	Otto & Conrad	Kehrberg (1) p 52 10/3	354
1284	12 Nov.	Bp. Conrad (trans. 9/11/1282)	Wohlb. 145	337/347
1284	13 August	Treaty	PUB 1312	353
1285	25 August	Bp. Hermann	PUB 1352	363
1286	27 Oct.	Otto V & VI	Frag. March. V No 4	337
1288	30 June	Pr. Frederick	SR 2073 AMR 742	339/363
1288	undated	Bp. Hermann	PUB VI 4009	348/354
1290	19 Nov.	Przemysław II	PUB VI 4006	348
1291	27 Sept.	Nicholas IV	PUB VI 4023	354/363
1291	13 Nov.	Bp. John	PUB 1596	348/363
1294	6 May	Pr. Bertram	SR 2316	341/364
1295	23 April	Albert	AA p 300 No 197	337/348/363
1295	1 Jan.	K. Adolf	AA p 329 No 298	357
1296	25 Feb.	Cdr. Jordan	PUB 1758	354/364
1296	11 June	Otto & Conrad	PUB 1769	353/
1303	21 April	Cdr. Jordan	PUB VI 4067	348/354/364
1304	5 Nov.	Trans, 1282	PUB 2189	354
1305	?	Cdr. Gunther	REG: Wohlb. p 632	367
1308	9 Sep.	Pr. Janussius	SR 3011 AMR 744	341/364
1311	7 Feb.	Waldemar	CDBr IV 573	367
1311	27 Dec.	Bp. Poznań	PUB 2696	367
1312	2 May	Clement V	PUB 2722	365
1314	?	Conrad Gracz	REG: Heyne/Stenzel	366
1318	1 Dec.	John XXII	PUB 3224	365
1318	30 June	John XXII	PUB 3200	365
1319	19 Oct.	John XXII	PUB VI 4124	365
1319	19 Oct.	John XXII	PUB VI 4124n	365

